

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 90—Weights and Measures
Chapter 40—National Bureau of Standards
Handbook 44**

PROPOSED RESCISSION

2 CSR 90-40.010 NBS Handbook 44, Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices. This rule provided specifications and tolerance for commercial weighing and measuring devices.

PURPOSE: This rule is being rescinded in its entirety. The statutory authority to promulgate regulations under 414.110 and 414.151 no longer exists.

AUTHORITY: sections 414.110 and 414.151, RSMo 1986. Original rule filed July 27, 1970, effective Aug. 5, 1970. Emergency amend-

ment filed April 16, 1985, effective May 1, 1985, expired July 1, 1985. Amended: Filed April 16, 1985, effective June 27, 1985. Rescinded: Filed April 17, 2001.

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 Weights and Measures Division, Attention: Ron Hooker, Director, PO Box 630, Jefferson City, MO 65102-0630. 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 50—Moisture-Measuring Devices**

PROPOSED RESCISSION

2 CSR 90-50.010 Moisture-Measuring Devices for Plant Products. This rule established standards for the operation of moisture-measuring devices for plant products.

PURPOSE: This rule is being rescinded in its entirety. The statutory authority to promulgate regulations under 265.610, RSMo no longer exists. Moisture meter inspection responsibilities were transferred to Chapter 413, RSMo in 1997.

AUTHORITY: section 265.610, RSMo 1986. Original rule filed Sept. 23, 1976, effective Jan. 14, 1977. Amended: Filed April 17, 1990, effective June 28, 1990. Rescinded: Filed April 17, 2001.

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 Weights and Measures Division, Attention: Ron Hooker, Director, PO Box 630, Jefferson City, MO 65102-0630. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-4.113 Ginseng. The department proposes to amend sections (1), (2) and (3).

PURPOSE: This amendment clarifies that ginseng cultivated in Missouri may be harvested, possessed, transported or purchased at any time of the year, whether certified or not.

(1) Wild ginseng (*Panax quinquefolium*) may be harvested from September 1 through December 31. Wild ginseng plants or roots

harvested must possess three (3) or more true leaves (prongs) or flowering/fruitlets stalks. The entire stalk, minus the mature fruits, shall be kept with the plants until they are taken to the harvester's home or place of business. When harvesting wild ginseng, harvesters shall plant all seeds from harvested plants within one hundred feet (100') of the parent plants. Plants or roots of **wild** ginseng taken in Missouri, or acquired from outside the state, may be purchased, sold, transported or exported only from September 1 through March 15; provided, certified roots may be possessed, purchased, sold, transported or exported throughout the year in accordance with this rule.

(2) Wild and cultivated Missouri ginseng plants or roots exported from the state must be accompanied by a numbered certificate of origin on forms provided by the department. Roots may be imported from other states, territories or countries only with appropriate certification of origin. Uncertified roots that have been received from outside the state must be returned to that state for certification within thirty (30) days of receipt. Uncertified Missouri **wild** roots may be possessed only from September 1 through March 15.

(3) Any person, group or business that purchases ginseng in Missouri for resale must register annually with the department as a ginseng dealer, and submit quarterly reports of all transactions within fifteen (15) days of the preceding buying period and an annual report of inventory, on forms provided by the department which are *[incorporated into this rule by reference]* **included herein**. Annual registration shall be contingent upon compliance with this rule and receipt of the required reports. All records required by this rule shall be retained for three (3) years.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 29, 1983, effective Jan. 1, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RESCISSION

3 CSR 10-4.115 Special Regulations for Department Areas. This rule related to special provisions for public use activities on certain department areas under regulations different from those applying on a statewide basis.

PURPOSE: This rule is being rescinded and readopted to reflect changes in format to the Missouri Wildlife Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Dec. 15, 1975, effective Dec. 27, 1975. Amended: Filed April 5, 1976, effective July 12, 1976. Amended: Filed June 8, 1976, effective July 12, 1976. Amended: Filed July 13, 1976, effective Aug. 12, 1976. Amended: Filed July 13, 1976,

effective Oct. 16, 1976. Amended: Filed Aug. 11, 1976, effective Dec. 31, 1976. Amended: Filed Oct. 20, 1976, effective Feb. 11, 1977. Amended: Filed Feb. 23, 1977, effective April 11, 1977. Amended: Filed May 5, 1977, effective June 11, 1977. Amended: Filed May 5, 1977, effective Aug. 11, 1977. Amended: Filed June 3, 1977, effective Oct. 1, 1977. Amended: Filed June 27, 1977, effective Oct. 1, 1977. Amended: Filed June 27, 1977, effective Dec. 1, 1977. Amended: Filed July 29, 1977, effective Nov. 11, 1977. Amended: Filed March 13, 1978, effective April 13, 1978. Amended: Filed May 22, 1978, effective Sept. 15, 1978. Amended: Filed July 5, 1978, effective Aug. 11, 1978. Amended: Filed July 5, 1978, effective Oct. 12, 1978. Amended: Filed July 5, 1978, effective Dec. 1, 1978. Amended: Filed Aug. 4, 1978, effective Nov. 11, 1978. Amended: Filed Sept. 5, 1978, effective Oct. 12, 1978. Amended: Filed Nov. 1, 1978, effective Dec. 11, 1978. Amended: Filed Jan. 22, 1979, effective March 11, 1979. Amended: Filed Feb. 22, 1979, effective June 11, 1979. Amended: Filed April 25, 1979, effective Aug. 11, 1979. Amended: Filed May 22, 1979, effective Sept. 15, 1979. Amended: Filed May 22, 1979, effective Dec. 1, 1979. Amended: Filed June 25, 1979, effective Aug. 11, 1979. Emergency amendment filed July 30, 1979, effective Oct. 1, 1979, expired Jan. 25, 1980. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 31, 1979, effective Jan. 12, 1980. Amended: Filed Sept. 27, 1979, effective Jan. 1, 1980. Amended: Filed Nov. 28, 1979, effective March 14, 1980. Amended: Filed Feb. 28, 1980, effective June 12, 1980. Amended: Filed April 2, 1980, effective July 11, 1980. Amended: Filed June 27, 1980, effective Oct. 11, 1980. Amended: Filed June 27, 1980, effective Aug. 11, 1980. Amended: Filed Aug. 1, 1980, effective Nov. 14, 1980. Amended: Filed Aug. 29, 1980, effective Oct. 11, 1980. Amended: Filed Nov. 24, 1980, effective March 13, 1981. Amended: Filed Dec. 22, 1980, effective April 11, 1981. Emergency amendment filed April 1, 1981, effective April 11, 1981, expired May 15, 1981. Amended: Filed April 6, 1981, effective May 11, 1981. Amended: Filed June 1, 1981, effective Sept. 11, 1981. Amended: Filed June 29, 1981, effective Aug. 14, 1981. Amended: Filed July 31, 1981, effective Nov. 13, 1981. Amended: Filed July 31, 1981, effective Jan. 1, 1982. Amended: Filed Sept. 8, 1981, effective Dec. 11, 1981. Amended: Filed Jan. 29, 1982, effective March 11, 1982. Amended: Filed March 4, 1982, effective April 11, 1982. Amended: Filed March 26, 1982, effective May 14, 1982. Amended: Filed April 19, 1982, effective Aug. 12, 1982. Amended: Filed June 1, 1982, effective Sept. 11, 1982. Emergency amendment filed June 24, 1982, effective July 4, 1982, expired Aug. 12, 1982. Emergency amendment filed June 30, 1982, effective July 30, 1982, expired Nov. 26, 1982. Amended: Filed June 30, 1982, effective Aug. 12, 1982. Amended: Filed July 27, 1982, effective Sept. 11, 1982. Amended: Filed Aug. 31, 1982, effective Oct. 11, 1982. Amended: Filed Nov. 29, 1982, effective March 11, 1983. Amended: Filed Dec. 17, 1982, effective April 11, 1983. Emergency amendment filed Jan. 25, 1983, effective Feb. 5, 1983, expired May 5, 1983. Amended: Filed Feb. 25, 1983, effective June 11, 1983. Amended: Filed March 31, 1983, effective May 12, 1983. Amended: Filed April 25, 1983, effective June 11, 1983. Amended: Filed May 27, 1983, effective July 11, 1983. Amended: Filed June 24, 1983, effective Aug. 11, 1983. Amended: Filed Aug. 1, 1983, effective Sept. 11, 1983. Amended: Filed Aug. 1, 1983, effective Jan. 1, 1984. Amended: Filed Aug. 29, 1983, effective Oct. 11, 1983. Amended: Filed Sept. 23, 1983, effective Nov. 11, 1983. Amended: Filed Oct. 28, 1983, effective Feb. 11, 1984. Amended: Filed Feb. 24, 1984, effective June 11, 1984. Amended: Filed April 12, 1984, effective May 11, 1984. Amended: Filed April 30, 1984, effective June 11, 1984. Emergency amendment filed May 15, 1984, effective May 25, 1984, expired July 12, 1984. Amended: Filed May 29, 1984, effective July 12, 1984. Amended: Filed July 5, 1984, effective Aug. 11, 1984. Amended: Filed Aug. 3, 1984, effective Sept. 14, 1984. Amended: Filed Sept.

4, 1984, effective Oct. 11, 1984. Emergency amendment filed Oct. 16, 1984, effective Nov. 1, 1984, expired Jan. 15, 1985. Amended: Filed Nov. 2, 1984, effective Dec. 14, 1984. Amended: Filed Dec. 4, 1984, effective Jan. 11, 1985. Amended: Filed March 5, 1985, effective April 11, 1985. Amended: Filed April 4, 1985, effective May 11, 1985. Amended: Filed May 6, 1985, effective June 14, 1985. Amended: Filed July 8, 1985, effective Aug. 11, 1985. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed Sept. 3, 1985, effective Dec. 1, 1985. Amended: Filed Sept. 30, 1985, effective Nov. 1, 1985. Amended: Filed Nov. 6, 1985, effective Dec. 13, 1985. Amended: Filed Jan. 10, 1986, effective Feb. 14, 1986. Amended: Filed Jan. 31, 1986, effective March 1, 1986. Amended: Filed March 12, 1986, effective May 30, 1986. Amended: Filed April 28, 1986, effective June 1, 1986. Amended: Filed June 25, 1986, effective Aug. 1, 1986. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed Sept. 5, 1986, effective Oct. 11, 1986. Amended: Filed Sept. 30, 1986, effective Nov. 1, 1986. Amended: Filed Nov. 5, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 6, 1987, effective March 1, 1987. Amended: Filed Feb. 10, 1987, effective March 14, 1987. Amended: Filed April 29, 1987, effective June 1, 1987. Amended: Filed June 10, 1987, effective July 11, 1987. Amended: Filed July 30, 1987, effective Sept. 1, 1987. Amended: Filed July 30, 1987, effective Jan. 1, 1988. Amended: Filed Sept. 2, 1987, effective Oct. 11, 1987. Amended: Filed Oct. 2, 1987, effective Nov. 12, 1987. Amended: Filed Nov. 24, 1987, effective Jan. 1, 1988. Amended: Filed Feb. 3, 1988, effective March 11, 1988. Amended: Filed Feb. 3, 1988, effective June 1, 1988. Amended: Filed March 22, 1988, effective May 1, 1988. Amended: Filed May 10, 1988, effective June 11, 1988. Amended: Filed June 7, 1988, effective July 11, 1988. Amended: Filed Sept. 12, 1988, effective Oct. 14, 1988. Amended: Filed Feb. 28, 1989, effective March 27, 1989. Amended: Filed Feb. 28, 1989, effective Jan. 1, 1990. Amended: Filed March 28, 1989, effective May 1, 1989. Amended: Filed June 1, 1989, effective July 1, 1989. Amended: Filed Sept. 11, 1989, effective Oct. 13, 1989. Amended: Filed Feb. 9, 1990, effective May 1, 1990. Rescinded and readopted: Filed May 31, 1990, effective Jan. 1, 1991. Emergency amendment filed Aug. 23, 1990, effective Sept. 3, 1990, expired Dec. 31, 1990. Amended: Filed Feb. 1, 1991, effective June 10, 1991. Amended: Filed April 26, 1991, effective Oct. 31, 1991. Emergency amendment filed Dec. 31, 1991, effective Feb. 15, 1992, expired June 13, 1992. Amended: Filed Dec. 31, 1991, effective May 14, 1992. Amended: Filed Feb. 11, 1992, effective June 25, 1992. Amended: Filed March 25, 1992, effective Sept. 6, 1992. Emergency amendment filed April 10, 1992, effective May 11, 1992, expired May 31, 1992. Amended: Filed April 28, 1992, effective Jan. 15, 1993. Emergency amendment filed Sept. 1, 1992, effective Oct. 1, 1992, expired Jan. 20, 1993. Amended: Filed Sept. 1, 1992, effective April 8, 1993. Amended: Filed March 24, 1993, effective Sept. 9, 1993. Amended: Filed April 21, 1993, effective Oct. 10, 1993. Amended: Filed April 21, 1993, effective Jan. 1, 1994. Amended: Filed June 9, 1993, effective Dec. 9, 1993. Amended: Filed Dec. 21, 1993, effective Jan. 1, 1994. Amended: Filed June 13, 1994, effective July 1, 1994. Amended: Filed July 29, 1994, effective Jan. 1, 1995. Amended: Filed Jan. 30, 1995, effective April 1, 1995. Amended: Filed May 30, 1995, effective June 10, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 25, 1996, effective May 10, 1996. Amended: Filed June 27, 1996, effective July 15, 1996. Amended: Filed April 25, 1996, effective Jan. 1, 1997. Amended: Filed Dec. 18, 1996, effective March 31, 1997. Amended: Filed April 29, 1997, effective May 15, 1997. Amended: Filed Sept. 5, 1997, effective Sept. 18, 1997. Amended: Filed Oct. 9, 1997, effective Nov. 1, 1997. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed Jan. 29, 1998, effective March 1, 1998. Amended: Filed May 6, 1998, effective July 1, 1998. Amended: Filed July 8, 1998, effective July 20, 1998. Amended: Filed Aug. 3, 1998, effective Jan. 1, 1999.

Amended: Filed Sept. 3, 1998, effective Sept. 15, 1998. Amended: Filed June 11, 1998, effective March 1, 1999. Amended: Filed May 10, 1999, effective June 1, 1999. Amended: Filed May 10, 1999, effective June 1, 1999. Amended: Filed July 14, 1999, effective Aug. 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Aug. 11, 1999, effective March 2, 2000. Amended: Filed Dec. 20, 1999, effective May 30, 2000. Amended: Filed April 24, 2000, effective Sept. 30, 2000. Amended: Filed July 19, 2000, effective Dec. 30, 2000. Amended: Filed Dec. 18, 2000, effective May 30, 2001. Rescinded: Filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RESCISSION

3 CSR 10-4.116 Special Regulations for Areas Owned by Other Entities. This rule related to cooperative special provisions for public use activities on areas owned by other entities.

PURPOSE: This rule is being rescinded and readopted to reflect changes in format to the Missouri Wildlife Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 31, 1990, effective Jan. 1, 1991. Amended: Filed Nov. 26, 1990, effective April 29, 1991. Amended: Filed April 26, 1991, effective Oct. 31, 1991. Amended: Filed July 29, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Emergency amendment filed April 25, 1996, effective May 6, 1996, expired Nov. 1, 1996. Amended: Filed March 26, 1996, effective Aug. 30, 1996. Amended: Filed April 25, 1996, effective Jan. 1, 1997. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed Aug. 3, 1998, effective Jan. 1, 1999. Amended: Filed May 6, 1998, effective March 1, 1999. Amended: Filed Jan. 21, 1999, effective June 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Aug. 11, 1999, effective March 2, 2000. Amended: Filed Feb. 7, 2000, effective July 30, 2000. Amended: Filed April 24, 2000, effective March 1, 2001. Rescinded: Filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required; Exceptions. The department proposes to add subsection (1)(M) and reletter the remaining subsections.

PURPOSE: This amendment allows residents of Missouri with certain severe, permanent mental or developmental disabilities to fish without a permit when accompanied by a licensed angler.

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

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

[(M)] (N) Any honorably discharged resident veteran having a service-related disability of sixty percent (60%) or greater, or who was a prisoner of war during military service, may take fish, live bait, clams, mussels, turtles and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed), and may take wildlife as provided in Chapter 7 without permit (except deer and turkey hunting permits and the Migratory Bird Hunting Permit as prescribed); provided, while hunting or fishing s/he carries a certified statement of eligibility from the Veterans Administration.

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

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

[(P)] (Q) A customer or guest of a licensed trout fishing area may fish for trout without permit (see 3 CSR 10-9.645).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable. The department proposes to amend section (1).

PURPOSE: This amendment allows for additional methods of identification for permit buyers.

(1) Permits may be obtained only upon satisfaction of all requirements imposed by this Code, including payment of fees, at the time of application. The Missouri Conservation Heritage Card, *[or a]* Social Security number, **Driver License number, or a Missouri Conservation identification number** shall be required to purchase all permits except daily tags.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.216 Permits and Privileges: Revocation. The department proposes to amend section (1).

PURPOSE: This amendment provides a process for the suspension and revocation of commercial licenses.

(1) The commission may suspend, revoke or deny a permit or privilege for cause, but not until an opportunity has been afforded for a hearing before the commission or its authorized representative. The hearings under this section shall be noncontested cases **unless the permittee is entitled by law to a contested case hearing.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and 252.043, RSMo 1994] and 454.1027, RSMo [Supp. 1997] 2000. Emergency rule filed April 26, 1991, effective May 7, 1991, expired Sept. 3, 1991. Original rule filed April 26, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit. The department proposes to amend section (1).

PURPOSE: This amendment sets new fees for resident lifetime hunting and fishing permits.

(1) To pursue, take, possess and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, live bait, birds (including migratory birds; except wild turkey) and mammals (except deer), and to sell furbearers taken by hunting. Fee: [eight hundred dollars (\$800).]

- (A) For persons age 15 and under: five hundred fifty dollars (\$550)
- (B) For persons age 16 to 29: eight hundred dollars (\$800)
- (C) For persons age 30 to 39: seven hundred dollars (\$700)
- (D) For persons age 40 to 59: six hundred dollars (\$600)
- (E) For persons age 60 to 64: seventy dollars (\$70)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.315 Resident Lifetime Fishing Permit. The department proposes to amend provisions of this rule.

PURPOSE: This amendment sets new fees for resident lifetime fishing permits.

(1) To pursue, take, possess and transport fish (including trout), frogs, mussels, clams, turtles, crayfish and live bait. Fee: [four hundred dollars (\$400).]

- (A) For persons age 15 and under: Two hundred seventy-five dollars (\$275)
- (B) For persons age 16 to 29: Four hundred dollars (\$400)
- (C) For persons age 30 to 39: Three hundred fifty dollars (\$350)
- (D) For persons age 40 to 59: Three hundred dollars (\$300)
- (E) For persons age 60 to 64: Thirty-five dollars (\$35)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit. The department proposes to amend section (1).

PURPOSE: This amendment sets new fees for resident lifetime hunting permits.

(1) To pursue, take, possess and transport birds (including migratory birds; except wild turkey), mammals (except deer) and frogs, and to sell furbearers taken by hunting. Fee: [four hundred dollars (\$400).]

- (A) For persons age 15 and under: Two hundred seventy-five dollars (\$275)
- (B) For persons age 16 to 29: Four hundred dollars (\$400)
- (C) For persons age 30 to 39: Three hundred fifty dollars (\$350)
- (D) For persons age 40 to 59: Three hundred dollars (\$300)
- (E) For persons age 60 to 64: Thirty-five dollars (\$35)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-6.405 General Provisions. The department proposes to amend section (1) and reorganize subsections (A)–(D) into new sections (2)–(5).

PURPOSE: This amendment modifies language in order to achieve consistency with the recently renegotiated reciprocal fishing agreement with the state of Illinois, and makes other minor wording and organizational changes.

(1) Fish, mussels and clams, bullfrogs and green frogs, turtles and live bait may be taken only as provided in this chapter or as further restricted in [3 CSR 10-4. 115, 3 CSR 10-4. 116] **Chapter 11, Chapter 12** or as otherwise [rules as] noted.

[(A)](2) Permits Required.

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

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

[3.](C) Any person possessing a valid sport fishing license issued by the state of Illinois or Nebraska, or who is legally exempted from those license requirements, without further permit or license, may fish [with hook and line in the flowing portions and backwaters of] in the Mississippi and Missouri rivers **and their backwaters** within the boundary of Missouri adjacent to the state where that person is licensed. These [anglers] persons may also fish [with hook and line] in the Missouri portion of any oxbow lakes through which the state boundary passes.

[(B)](3) Limits and Possession.

[1.](A) Any species taken into actual possession, unless released unharmed immediately after being caught, shall continue to be included in the daily limit of the taker for the day when taken except as authorized in [paragraph (1)](B)5.] **subsection (3)(E)** of this rule.

[2.](B) A person may possess only the daily limit of any species while on the waters or banks thereof to which the limit applies.

[3.](C) Regardless of where taken, no fish less than the specified minimum length limit shall be possessed on the waters or banks thereof to which length limits apply. The head, tail and skin must remain attached to all fish for which length limits are established while those fish are on the waters to which length limits apply or until the fish have been checked by an agent of the department.

[4.](D) Fish held live for release by the sponsor after a bona fide fishing tournament need not be kept separate and identifiable following tournament judging if released unharmed to the waters from which taken on the day taken.

[5.](E) During the months of September through June, black bass released unharmed by participants in a bona fide catch-and-release fishing tournament, which requires entrants to have a boat livewell with adequate capacity and a pump constantly adding

fresh or recirculating water, shall not be included in the daily limit, however, at no time may the daily limit be exceeded.

[6.](F) A person may possess no more than two (2) statewide daily limits of any species at any time.

[(C)](4) Reciprocal Privileges: Mississippi, Missouri and St. Francis Rivers.

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

[2.](B) Regulations of the state where the [angler] person is licensed shall apply in Arkansas and Tennessee boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky, Nebraska and Kansas boundary waters. [Anglers] Persons licensed in Illinois and Nebraska, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

[3.](C) [Anglers] Persons must be licensed in Missouri to fish in tributaries of the Mississippi, Missouri and St. Francis rivers.

[4.](D) [Anglers] Persons licensed in Arkansas, Kansas, Kentucky or Tennessee may not fish from or attach any device or equipment to land under the jurisdiction of Missouri.

[5.](E) [Anglers] Persons licensed in Illinois or Nebraska may fish from or attach [any] devices or equipment to land under the jurisdiction of Missouri.

[(D)](5) Impoundments and Streams.

[1.](A) For purposes of these rules, the arms of major hydroelectric or flood control impoundments will extend to the lake contour that is commonly referred to as the conservation pool, multi-purpose pool or normal pool, or to specific locations identified by posting. Impoundment rules apply to all other bodies of water impounded by dams and to natural lakes not permanently connected to flowing streams. Stream fishing rules apply above in-stream structures that do not elevate water levels above the stream's high bank and that do not regulate water flow.

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 April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-6.410 Fishing Methods. The department proposes to amend section (4), adds a new section (11) and renumbers the remaining sections.

PURPOSE: This amendment clarifies the use of jug lines and prohibits possession of fish traps on waters of the state or adjacent banks.

(4) Minnow traps, hooks, trotlines, throwlines, limb lines, [or] bank lines or anchored jug lines (rendered immobile from the location where set) may not be left unattended for more than twenty-four (24) hours or must be completely removed. Unanchored [J]jug lines must be personally attended at all times.

(11) Except as provided in 3 CSR 10-6.605, fish traps, including slat traps and wire traps, may not be possessed on waters of the state or adjacent banks.

[[11]] (12) As an aid to fishing methods, an artificial light may be used only above the water surface, except that underwater lights may be used to attract fish while fishing by pole and line.

[[12]] (13) Endangered species and fish included in 3 CSR 10-6.505 through 3 CSR 10-6.545, their parts or eggs, may not be used for bait.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-6.505 Black Bass. The department proposes to add a new subsection (1)(D) and amend paragraph (4)(A)1.

PURPOSE: This amendment increases the daily limit and eliminates the minimum length limit on spotted (Kentucky) bass in the Meramec River and its tributaries, including Big River and Bourbeuse River and their tributaries.

(1) Daily Limit: Six (6) in the aggregate, including smallmouth bass, largemouth bass, spotted bass and all black bass hybrids, except:

(D) The daily limit for spotted (Kentucky) bass is twelve (12) in the Meramec, Big and Bourbeuse rivers and their tributaries.

(4) Length Limits.

(A) Streams: All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the unimpounded portion of any stream, including Pools 20–26 on the Mississippi River, except as follows:

1. [On Big River from the Highway 21 bridge (near Washington State Park) to its confluence with the

Meramec River and Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, there is no length limit on spotted (Kentucky) bass.] **On the Meramec, Big and Bourbeuse rivers and their tributaries, there is no length limit on spotted (Kentucky) bass.**

2. On the Big Piney River from Slabtown Access to Ross Access, the Eleven Point River from Thomasville Access to the Arkansas line, the Meramec River from Scott's Ford to the railroad crossing at Bird's Nest, the Big River from the Highway 21 bridge (near Washington State Park) to its confluence with the Meramec River, Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek, all smallmouth bass less than fifteen (15") in total length must be returned to the water unharmed immediately after being caught.

3. On the Jacks Fork River from Highway 17 bridge to Highway 106 bridge and the Gasconade River from Highway Y bridge (Pulaski County) to Highway D bridge (Phelps County), all smallmouth bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught.

4. On the James River from Hooten Town bridge (Stone County Road A-90) to Highway 13 bridge, all smallmouth bass and largemouth bass less than fifteen inches (15") must be returned to the water unharmed immediately after being caught.

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 April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-6.525 Paddlefish. The department proposes to amend section (7).

PURPOSE: This amendment prohibits the possession of paddlefish on a portion of the Little Platte River.

(7) Paddlefish may not be possessed on waters from Truman Dam downstream throughout the no-boating zone, **on the Little Platte River from Smithville Dam downstream to U.S. Highway 169,** and from James River from below Lake Springfield Dam to the Highway 160 bridge.

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 April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.575 Hound Running Area: Privileges, Requirements. The department proposes to amend section (3).

PURPOSE: This amendment corrects a section number reference to another rule.

(3) The holder of a Hound Running Area Operator's Permit may obtain foxes and coyotes from a holder of a valid trapping permit as prescribed in 3 CSR 10-8.515/(4) (7). Permittees may also purchase foxes and coyotes from a holder of a Class I Wildlife Breeder Permit. These foxes and coyotes may only be released into the permittee's running area and must be individually marked with ear tags provided by the department for which the permittee shall pay fifty cents (50¢) per tag. These animals may not be sold, given away, released to the wild or exported, except with written authorization of the director.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.625 Field and Retriever Trial Permit. The department proposes to amend section (2).

PURPOSE: This amendment eliminates the requirement for field trial permit holders to submit a list of participants to the department within ten (10) days following closing of the trial.

(2) Each permit holder shall provide the department with a complete list of names and addresses of participants within ten (10) days following the closing date of the trial record the names and addresses of all participants for each trial held, and shall maintain these records for one year following the closing date of the trial. These records shall be subject to inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-10.744 Commercial Deer Processing: Permit, Privileges, Requirements. The department proposes to amend section (2) and add a new section (3).

PURPOSE: This amendment allows commercial deer processors to store unlabeled, processed specialty deer meats in a common storage area from October 1 through March 31.

(2) The commercial processor shall post a notice and inform patrons of the provisions of this rule, and shall keep accurate records of all deer processed and stored. These records shall be retained for twelve (12) months. Future permits shall be conditioned on compliance with this rule. All records and stored deer shall be made available for inspection by an authorized agent of the department at any reasonable time.

(3) For the purposes of processing specialty deer meats, commercial processors are exempt from provisions of 3 CSR 10-4.137. For purposes of storing specialty deer meats, commercial processors are exempt from provisions of 3 CSR 10-4.137 and 3 CSR 10-4.140(2), but only from October 1 through March 31. These exemptions do not apply to raw, packaged venison.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 28, 1992, effective Dec. 3, 1992. Emergency rule filed July 31, 1992, effective Sept. 1, 1992, expired Dec. 3, 1992. Amended: Filed April 30, 2001.

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, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.105 Title; Authority

PURPOSE: This rule defines which department areas these regulations apply to and how exceptions to the regulations are made.

The special regulations in this chapter apply on lands and waters (referred to as department areas) owned or leased by the Department of Conservation. The director may issue temporary written exceptions to rules and provisions of this chapter for emergencies, special events and other compatible uses.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.110 General Provisions

PURPOSE: This rule establishes restricted activities on department areas.

(1) The following activities are allowed on department areas only where and as authorized by this chapter or by signs and area brochures or by a special use permit issued by the area manager: swimming, sailboarding, sailboating, skateboarding, boating, entry on areas closed to public use, bicycling, camping, shooting, hunting, fishing, trapping, collecting or possessing wild plants and wild animals and unprocessed parts thereof, removal of water, commercial use, vending, fires outside of designated camping areas, rock collecting, digging and other soil disturbance, horseback riding, ranging of horses and other livestock, possession of

pets and hunting dogs, caving, rock climbing, rappelling, paintballing, scuba diving, water skiing, the use and possession of vehicles and aircraft, the use of decoys, and the use or construction of blinds and tree stands.

(2) On Thomas Hill Reservoir, swimming, sailboarding, scuba diving and water skiing are permitted, except water skiing is prohibited north of Highway T on the Stinking Creek Arm of the lake and on the warm water arm of the lake upstream from the marker buoys.

(3) The destruction, defacing or removal of department property and use of fireworks are prohibited.

(4) Possession of glass food and beverage containers is prohibited within the Castor River Shut-Ins Natural Area on Amidon Memorial Conservation Area.

(5) Waste containers may be used only for disposal of garbage, trash, refuse or rubbish generated on the department area.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.115 Closings

PURPOSE: This rule establishes hours department areas are closed to public use and designates conditions under which some areas are closed to certain activities.

(1) Department areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time in areas where these activities are authorized, except as otherwise provided in this chapter. Any department area may be opened during closed hours for department sponsored events or programs. Parking or storage of watercraft and commercial vehicles is prohibited during the closed hours.

(A) On Blind Pony Lake Conservation Area, Little Dixie Lake Conservation Area and Riverwoods Conservation Area, all public use is prohibited from 10:00 p.m. to 4:00 a.m. daily.

(B) On August A. Busch Memorial Conservation Area, all public use is prohibited from 10:00 p.m. to 6:00 a.m. daily, except for authorized hunting and fishing activities.

(C) On Columbia Bottom Conservation Area, Ronald and Maude Hartell Conservation Area and James A. Reed Memorial Wildlife Area, all public use is prohibited from 10:00 p.m. to 6:00

a.m. daily from April 1 through September 30, and from 7:00 p.m. to 6:00 a.m. daily from October 1 through March 31, except for authorized hunting and fishing activities.

(D) On Bellefontaine Conservation Area and Powder Valley Conservation Nature Center, all public use is prohibited from 8:00 p.m. to 6:00 a.m. daily from April 1 through October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 through March 31.

(E) On Conservation Commission Headquarters and Runge Conservation Nature Center, all public use is prohibited from 9:00 p.m. to 6:00 a.m. daily from April 1 through October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 through March 31.

(F) On Springfield Conservation Nature Center, all public use is prohibited from 9:00 p.m. to 6:00 a.m. daily from March 1 through October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 through February 28.

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

(2) The following department areas are closed during high waters:

(A) On Donaldson Point Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat, when the Mississippi River water level is at or above thirty-four feet (34') on the New Madrid gauge.

(B) On Seven Island Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat, when the Mississippi River water level is at or above forty-three feet (43') on the Cairo gauge.

(C) On Hornersville Swamp Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat, when the water level is at or above two hundred thirty-nine feet (239') on the Hornersville gauge.

(3) The following department areas are closed to protect waterfowl:

(A) On Bull Shoals Lake waterfowl refuge, hunting, fishing, trapping, boating and vehicles are prohibited from November 15 through February 15 on the lands and waters of the Theodosia Arm of Bull Shoals Lake—to include all of Section 13, and south half of Section 12, T22N, R16W; all of Section 17, south half of Sections 7 and 8, and that part of Sections 19 and 20 north of Highway 160 bridge, all in T22N, R15W.

(B) On Stockton Lake waterfowl refuge, hunting, fishing, trapping, boating and vehicles are prohibited from October 15 through the area's prescribed duck and Canada goose seasons on all Corps of Engineers lands and waters on and adjacent to the Little Sac Arm from the Highway 123 bridge to the county road bridge crossing Little Sac River in Section 11, T32N, R24W.

(C) On the portion of Ralph and Martha Perry Memorial Conservation Area which has been designated a waterfowl refuge, hunting, fishing, trapping, boating, entry by the public and vehicles are prohibited from October 15 through the close of the waterfowl season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box

180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.120 Pets and Hunting Dogs

PURPOSE: This rule establishes provisions for allowing pets and hunting dogs on department areas.

(1) Pets and hunting dogs are permitted but must be on a leash or confined at all times, except as otherwise provided by signs, area brochures or this chapter.

(A) Pets and hunting dogs are prohibited on the following department areas:

1. Bellefontaine Conservation Area
2. Burr Oak Woods Conservation Area
3. Engelmann Woods Natural Area
4. Powder Valley Conservation Nature Center
5. Rockwoods Reservation
6. Runge Conservation Nature Center
7. Springfield Conservation Nature Center

(2) Hunting dogs may be used off the leash and unconfined for hunting and for training for the purposes of chasing, locating, tracking or retrieving game as defined by the Wildlife Code, on those department areas where and when hunting and dog training are permitted.

(A) Any person training hunting dogs must have the permit required by 3 CSR 10-7.405.

(B) On Duck Creek Conservation Area, training of hunting dogs is permitted only by holders of a valid area dog training permit during dates and hours established for this activity.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.130 Vehicles, Bicycles, Horses and Horseback Riding

PURPOSE: This rule restricts the use of certain transportation methods on department areas.

(1) Vehicle use is restricted to graveled and paved roads and established parking areas, unless otherwise posted.

(2) Bicycles are permitted only on trails designated for their use and on roads and trails open to vehicular traffic, unless otherwise posted. Groups of more than ten (10) people must obtain a special use permit.

(3) Horses and horseback riding are permitted only on trails designated for their use and on roads and trails open to vehicular traffic, unless otherwise posted. Riding may be permitted on other portions of department areas, but only with a special use permit. Groups of more than ten (10) people must obtain a special use permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.135 Wild Plants, Plant Products, and Mushrooms

PURPOSE: This rule limits harvesting wild plants, plant products, and mushrooms on department areas.

(1) Nuts, berries, fruits, edible wild greens and mushrooms may be taken only for personal consumption, unless further restricted in this chapter.

(A) On Conservation Commission Headquarters, Powder Valley Conservation Nature Center, Runge Conservation Nature Center and Springfield Conservation Nature Center, taking of nuts, berries, fruits, edible wild greens and mushrooms is prohibited.

(B) On Burr Oak Woods Conservation Area and Rockwoods Reservation, taking of nuts, berries, fruits and edible wild greens is prohibited.

(C) On areas designated by the Conservation Commission as Missouri Natural Areas, taking edible wild greens is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.140 Camping

PURPOSE: This rule establishes provisions for camping on department areas.

(1) Camping is permitted only within areas designated by signs or brochures. Stays are limited to a period of fourteen (14) consecutive days in any thirty (30)-day period, with the period to commence the date the site is occupied or camping within any given department area first occurs. Personal property must be removed at the end of the fourteen (14)-day period. On those areas with established campsites, only two (2) camping or sleeping units are permitted in each site. Quiet hours are effective from 10:00 p.m. to 6:00 a.m. daily. Visitors who are not occupying a campsite are required to leave the campground by 10:00 p.m. Quiet hours are defined as the cessation of excessive noise from people or any mechanical device which causes disturbance to other campers. Camping fees are required at some areas. Groups of more than ten (10) people must obtain a special use permit prior to camping.

(A) On Thomas Hill Reservoir, only one (1) camping or sleeping unit and a maximum of six (6) people are permitted in each campsite.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.145 Tree Stands

PURPOSE: This rule establishes provisions for use of tree stands on department areas.

Only portable tree stands are allowed and only from September 15 through January 31. Stands must be identified with the full name and address of the owner and be removed from the area before February 1. Use of nails or any material that would damage the tree is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.150 Target Shooting and Shooting Ranges

PURPOSE: This rule establishes provisions for target shooting and use of shooting ranges on department areas.

Target shooting is permitted only on designated public shooting ranges or by special use permit. Range use shall be in accordance with posted instructions or as directed by the range officer, and is contingent upon the right to inspect permits, firearms and ammunition by an agent of the department or certified law enforcement officer. Use of incendiary, including tracer rounds, armor piercing or explosive ammunition is prohibited. Fully automatic weapons are permitted only with a special use permit. Range use fees are required at some areas. Possession of alcoholic beverages is prohibited on all ranges and associated parking lots. Groups of more than ten (10) people must obtain a special use permit prior to use of a range.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.155 Decoys and Blinds

PURPOSE: This rule establishes provisions for the use of decoys and blinds on department areas.

(1) Decoys and blinds are permitted but must be disassembled and removed daily, except as otherwise provided in this chapter. Blinds may be constructed on-site only from willows (*Salicaceae*) and nonwoody vegetation.

(A) On those portions of Upper Mississippi Conservation Area designated as restricted waterfowl hunting areas, blind sites shall be designated and allotted through a system of registration and drawing established by the department. Blinds must be constructed within ten (10) yards of an assigned site before October 1 and meet department specifications. On portions of the area designated as open, blinds may be constructed without site restrictions. Blinds or blind sites on both restricted and open portions of the area may not be locked, transferred, rented or sold. Boats shall not be left overnight at blind sites. After 6:00 a.m., unoccupied blinds may be used by the first hunter to arrive.

(B) On Thomas Hill Reservoir, waterfowl blinds may be constructed only on the Stinking Creek Arm and on the lake south of Highway T, but may not be locked, transferred, rented or sold. The builder must post his/her full name and address on the blind. After 6:00 a.m., unoccupied blinds may be used by the first hunter to arrive. Blind sites may not be claimed by staking or other means prior to September 1. Blinds must be completely removed from the area before April 1 each year.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.160 Use of Boats and Motors

PURPOSE: This rule establishes provisions for use of boats and motors on department areas.

(1) Boats, including sailboats, may be used on lakes and ponds designated as open to boats, except as further restricted in this chapter. Boats may not be left unattended overnight. Houseboats

are prohibited. Registration and a fee are required for rental of department-owned boats. Fees must be paid prior to use.

(A) Except as provided below, only electric motors are permitted on lakes and ponds of less than seventy (70) acres. Electric motors and outboard motors are permitted on lakes of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except as otherwise provided in paragraph (1)(A)3. of this rule. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(A)4. of this rule.

1. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.

2. On Hunnewell Lake Conservation Area, only department-owned boats may be used.

3. On Robert G. DeLaney Lake Conservation Area, only electric motors are permitted.

4. On Thomas Hill Reservoir, boating is prohibited on the main arm of the lake above Highway T from October 15 through January 15. No horsepower restrictions apply. Boats may be left unattended overnight.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.165 Bullfrogs and Green Frogs

PURPOSE: This rule establishes provisions for harvesting bullfrogs and green frogs on department areas.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, gig, longbow, snagging, snaring, grabbing or pole and line, only on waters and within dates and hours those waters are open to fishing, except as further restricted in this chapter. Firearms may not be used to take bullfrogs and green frogs.

(A) On Louis H. Bangert Memorial Wildlife Area and August A. Busch Memorial Conservation Area, longbows are prohibited for taking frogs.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.180 Hunting, General Provisions and Seasons

PURPOSE: This rule establishes general provisions for hunting on department areas.

(1) Hunting is permitted on department areas, except as further restricted by signs, area brochures or this chapter. Unless otherwise provided in this chapter, statewide permits, seasons, methods and limits apply.

(2) Hunting may be further restricted on designated portions of department areas which include, but are not limited to, refuges, wildlife sanctuaries, shooting ranges, residences, work areas, campgrounds and other public use or service areas.

(3) Hunting is prohibited on public fishing access areas less than forty (40) acres in size.

(4) Hunting is prohibited on the following department areas:

- (A) Allred Lake Natural Area
- (B) Ashe Juniper Natural Area
- (C) Austin Community Lake
- (D) Ava Forestry Office
- (E) Louis H. Bangert Memorial Wildlife Area
- (F) Bat Cave Conservation Area
- (G) Bellefontaine Conservation Area
- (H) Bicentennial Conservation Area
- (I) Binder Community Lake
- (J) Bird's Blue Hole
- (K) Bittern Bottoms Conservation Area
- (L) Robert L. Blattner Conservation Area
- (M) Lois Arlene Boesl Outdoor Educational Area
- (N) Bolivar Forestry Office
- (O) Boone Cave Conservation Area
- (P) Marguerite Bray Conservation Area
- (Q) Brookfield Maintenance Center
- (R) Buffalo Radio Facility
- (S) Caldwell Memorial Wildlife Area
- (T) Camdenton Conservation Service Center
- (U) Caruthersville Rookery Conservation Area
- (V) Clearwater District Headquarters
- (W) Climax Springs Towersite
- (X) Conservation Commission Headquarters
- (Y) Conservation Research Center
- (Z) Carrick W. Davidson–Robert Paris Wildlife Area
- (AA) Robert G. DeLaney Lake Conservation Area
- (BB) Doniphan Towersite
- (CC) Drovers Prairie Conservation Area
- (DD) East Central Regional Office
- (EE) Engelmann Woods Natural Area

- (FF) Eugene Towersite
 (GG) Foxglove Conservation Area
 (HH) Friendly Prairie Conservation Area
 (II) Gay Feather Prairie Conservation Area
 (JJ) Grandpa Chipley's Conservation Area
 (KK) Gravois Mills Access
 (LL) Ronald and Maude Hartell Conservation Area
 (MM) James R. Harter Conservation Area
 (NN) Ruth and Paul Henning Conservation Area
 (OO) Hickory Canyons Natural Area
 (PP) Hinkson Woods Conservation Area
 (QQ) Houston Forestry Office
 (RR) Hurley Radio Facility
 (SS) Hurricane Deck Towersite
 (TT) Jefferson City Radio Facility
 (UU) Joplin Towersite
 (VV) Juden Creek Conservation Area
 (WW) LaPetite Gemme Prairie Conservation Area
 (XX) Lebanon Forestry Office
 (YY) Lebanon Towersite
 (ZZ) Lichen Glade Conservation Area
 (AAA) Limpp Community Lake
 (BBB) Lipton Conservation Area
 (CCC) Little Osage Prairie
 (DDD) Lower Taum Sauk Lake
 (EEE) Malta Bend Community Lake
 (FFF) Mansfield Shop
 (GGG) Maple Flats Access
 (HHH) Maple Woods Natural Area
 (III) Miller Community Lake
 (JJJ) Mint Spring Conservation Area
 (KKK) Mount Vernon Prairie
 (LLL) Neosho District Office
 (MMM) New Madrid Forestry Office
 (NNN) Niawathe Prairie Conservation Area
 (OOO) Northeast Regional Office
 (PPP) Northwest Regional Office
 (QQQ) Onyx Cave Conservation Area
 (RRR) Ozark Regional Office
 (SSS) Parma Woods Range and Training Center (south portion)
 (TTT) Pawhuska Prairie
 (UUU) Pawnee Prairie Conservation Area
 (VVV) Perry County Community Lake
 (WWW) Perryville District Headquarters
 (XXX) Pickle Springs Natural Area
 (YYY) Pilot Knob Towersite
 (ZZZ) Plad Towersite
 (AAAA) Port Hudson Lake Conservation Area
 (BBBB) Powder Valley Conservation Nature Center
 (CCCC) Ray County Community Lake
 (DDDD) Riverwoods Conservation Area
 (EEEE) Rockwoods Reservation
 (FFFF) Rockwoods Towersite
 (GGGG) Rush Creek Conservation Area
 (HHHH) Saeger Woods Conservation Area
 (IIII) Salem Maintenance Center
 (JJJJ) Schnabel Woods
 (KKKK) F. O. and Leda J. Sears Memorial Wildlife Area
 (LLLL) Sedalia Conservation Service Center
 (MMMM) Shawnee Mac Lakes Conservation Area
 (NNNN) Shepherd of the Hills Fish Hatchery
 (OOOO) Sims Valley Community Lake
 (PPPP) Southeast Regional Office
 (QQQQ) Southwest Regional Office
 (RRRR) Springfield Conservation Nature Center
 (SSSS) Julian Steyermark Woods Conservation Area
 (TTTT) Thirtyfour Corner Blue Hole
 (UUUU) Tower Rock Natural Area
 (VVVV) Tri-City Community Lake
 (WWWW) Twin Borrow Pits Conservation Area
 (XXXX) Tywappity Community Lake
 (YYYY) Ulman Towersite
 (ZZZZ) Upper Mississippi Conservation Area (Clarksville Refuge)
 (AAAAA) Vandalia Community Lake
 (BBBBB) Wah-Kon-Tah Prairie (portion south of Highway 82)
 (CCCCC) Wah-Sha-She Prairie
 (DDDDD) Walnut Woods Conservation Area
 (EEEEE) Warrenton Forestry Office
 (FFFFFF) Warrenton Towersite
 (GGGGG) West Central Regional Office
 (HHHHH) White Alloe Creek Wildcat Conservation Area
 (IIIII) Wildcat Glade Natural Area
 (JJJJJ) Walter Woods Conservation Area
 (KKKKK) Mark Youngdahl Urban Conservation Area
- (5) Firearms firing single projectiles are prohibited on the following department areas:
- (A) Beaver Creek Conservation Area
 (B) Bennett Spring Access
 (C) Branch Towersite
 (D) Brickley Hollow Access
 (E) Catawissa Conservation Area
 (F) Charity Access
 (G) Crooked Creek Conservation Area
 (H) Cuivre Island Conservation Area (mainland portion)
 (I) Diamond Grove Prairie Conservation Area
 (J) Dorris Creek Prairie Conservation Area
 (K) Dorsett Hill Prairie Conservation Area
 (L) Arthur Dupree Memorial Conservation Area
 (M) Eagle Bluffs Conservation Area
 (N) Peter A. Eck Conservation Area
 (O) Earthquake Hollow Conservation Area
 (P) Ferguson-Herold Conservation Area
 (Q) Fort Leonard Wood Tower Site
 (R) Larry R. Gale Access
 (S) Grand Bluffs Conservation Area
 (T) Horse Creek Prairie Conservation Area
 (U) Anthony and Beatrice Kendzora Conservation Area
 (V) Little Bean Marsh Conservation Area
 (W) Little Dixie Lake Conservation Area
 (X) Little Prairie Conservation Area
 (Y) Little River Conservation Area
 (Z) Caroline Sheridan Logan Memorial Wildlife Area
 (AA) Lone Jack Lake Conservation Area
 (BB) Lost Valley Fish Hatchery
 (CC) Alice Ahart Mansfield Memorial Conservation Area
 (DD) Marais Temps Clair Conservation Area
 (EE) Mo-No-I Prairie Conservation Area
 (FF) Mon-Shon Prairie Conservation Area
 (GG) Pacific Palisades Conservation Area
 (HH) Guy B. Park Conservation Area
 (II) Parma Woods Range and Training Center (north portion)
 (JJ) Reform Conservation Area
 (KK) Rocky Barrens Conservation Area
 (LL) Dr. O. E. and Eloise Sloan Conservation Area
 (MM) Sunbridge Hills Conservation Area
 (NN) Tipton Ford Access
 (OO) Treaty Line Prairie Conservation Area
 (PP) Valley View Glades Natural Area
 (QQ) Archie and Gracie VanDerhoef Memorial State Forest
 (RR) Victoria Glades Conservation Area
 (SS) Vonaventure Memorial Forest and Wildlife Area
 (TT) George O. White State Forest Nursery
 (UU) Young Conservation Area

(6) Firearms firing single projectiles are prohibited, except during managed deer hunts, and except furbearers treed with the aid of dogs may be taken with a twenty-two (.22) caliber firearm on the following department areas:

- (A) August A. Busch Memorial Conservation Area
- (B) Platte Falls Conservation Area
- (C) Weldon Spring Conservation Area

(7) Firearms firing single projectiles are prohibited, except during managed deer hunts on the following department areas:

- (A) Bois D'Arc Conservation Area
- (B) Drury-Mincy Conservation Area
- (C) James A. Reed Memorial Wildlife Area
- (D) Saint Stanislaus Conservation Area

(8) Firearms hunting is prohibited on the following department areas:

- (A) Boston Ferry Conservation Area
- (B) Jamesport Community Lake
- (C) J. Thad Ray Memorial Wildlife Area
- (D) Lon Sanders Canyon Conservation Area
- (E) Henry Jackson Waters and C.B. Moss Memorial Wildlife Area

(9) Use or possession of lead shot is prohibited for hunting in designated zones on the following department areas:

- (A) Bob Brown Conservation Area
- (B) Columbia Bottom Conservation Area
- (C) Cooley Lake Conservation Area
- (D) Coon Island Conservation Area
- (E) Duck Creek Conservation Area
- (F) Eagle Bluffs Conservation Area
- (G) Fountain Grove Conservation Area
- (H) Four Rivers Conservation Area
- (I) Grand Pass Conservation Area
- (J) B. K. Leach Memorial Conservation Area
- (K) Little Bean Marsh Conservation Area
- (L) Little River Conservation Area
- (M) Marais Temps Clair Conservation Area
- (N) Montrose Conservation Area
- (O) Nodaway Valley Conservation Area
- (P) Otter Slough Conservation Area
- (Q) Schell-Osage Conservation Area
- (R) Settle's Ford Conservation Area
- (S) Ted Shanks Conservation Area
- (T) Ten Mile Pond Conservation Area

(10) On Otter Slough Conservation Area, turkey hunting is prohibited.

(11) On Duck Creek Conservation Area (south of Highway Z), Eagle Bluffs Conservation Area and Grand Pass Conservation Area fall firearms turkey hunting is prohibited.

(12) On Weldon Spring Conservation Area, spring turkey hunting and fall archery turkey hunting are permitted only by holders of a Managed Turkey Hunting Permit in addition to prescribed statewide permits.

(13) On designated portions of Peck Ranch Conservation Area, spring turkey hunting is permitted only with a Managed Turkey Hunting Permit in addition to prescribed statewide permit. Fall turkey hunting is prohibited.

(14) On Caney Mountain Conservation Area (fenced portion) and Drury-Mincy Conservation Area (Drury portion), spring turkey hunting is permitted only with a longbow.

(15) On Caney Mountain Conservation Area (fenced portion), turkey and squirrel hunting only with muzzleloading shotguns and longbows is permitted during the fall firearms turkey season.

(16) On August A. Busch Memorial Conservation Area:

(A) Rabbits may be hunted only with shotgun from sunrise to 4:30 p.m., from January 1 through February 15. The daily limit is four (4) rabbits.

(B) Doves may be hunted only from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

(C) Squirrels and groundhogs may be hunted only with shotgun from the fourth Saturday in May through October 15.

(D) Furbearers may only be hunted from 6:00 p.m. to 6:00 a.m. from December 15 through the end of the prescribed furbearer season. Coyotes may be taken only by shotgun during daylight hours from the fourth Saturday in May through September 30 and from December 15 through March 31, except coyotes may be taken during managed deer hunts by participants possessing a valid Managed Deer Hunting Permit and the prescribed hunting permit.

(E) Spring turkey hunting is permitted only with a Managed Turkey Hunting Permit in addition to prescribed statewide permit. Fall firearms turkey hunting is prohibited.

(F) Quail hunting is permitted only during managed quail hunts.

(17) On James A. Reed Memorial Wildlife Area:

(A) Rabbits may be hunted only from 8:00 a.m. to 4:30 p.m. daily from December 1 through the end of the statewide season by holders of a valid area daily hunting tag.

(B) Doves may be hunted only in assigned areas from assigned shooting stations from noon to sunset each Monday through Friday, except Labor Day, during the statewide season by holders of a valid area daily hunting tag.

(C) Squirrels may be hunted only from 8:00 a.m. to 4:30 p.m. daily from December 1 through December 31 by holders of a valid area daily hunting tag.

(D) Turkey, furbearer and quail hunting are prohibited except during managed hunts.

(18) On Bois D'Arc Conservation Area and White River Trace Conservation Area, quail and dove hunting are permitted only until 1:00 p.m. daily. During the first seven (7) days of dove season, doves may be taken in assigned areas only by holders of a valid area daily hunting tag. Quail may be taken only by holders of a valid area daily hunting tag until the area is posted closed based on harvest surveys.

(19) On Lake Paho Conservation Area, doves may be hunted only from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

(20) On Eagle Bluffs Conservation Area, B. K. Leach Memorial Conservation Area, William R. Logan Conservation Area and William G. and Erma Parke White Memorial Wildlife Area, doves may be hunted only in assigned areas from an assigned shooting station on designated days from 1:00 p.m. to 5:00 p.m. during the September portion of statewide season by holders of a valid area daily hunting tag.

(21) On Marais Temps Clair Conservation Area:

(A) Doves, rails and snipe may be hunted only during that part of the season which falls prior to October 15 by holders of a valid area daily hunting tag, except in areas closed by posting. Dove hunting is permitted only until 1:00 p.m. daily.

(B) Deer and rabbits may be hunted only from the end of the area's prescribed duck season through the end of the statewide seasons by holders of a valid area daily hunting tag, except in areas closed by posting.

(C) Quail, pheasant, woodcock, squirrel, groundhog, furbearer, turkey and crow hunting is prohibited.

(22) On Robert E. Talbot Conservation Area, quail may be taken only by holders of a valid area daily hunting tag.

(23) Quail hunting is permitted only until 1:00 p.m. daily from November 1 through December 15 on the following department areas:

- (A) Capps Creek Conservation Area
- (B) Reform Conservation Area
- (C) Dr. O. E. and Eloise Sloan Conservation Area
- (D) Robert E. Talbot Conservation Area
- (E) Whetstone Creek Conservation Area

(24) On Columbia Bottom Conservation Area and Saint Stanislaus Conservation Area, hunting is permitted only during managed hunts or by holders of a valid area daily hunting tag.

(25) On Lake Girardeau Conservation Area, hunting is permitted only from November 1 through April 1.

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

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

- (A) Bob Brown Conservation Area
- (B) Columbia Bottom Conservation Area
- (C) Coon Island Conservation Area
- (D) Duck Creek Conservation Area
- (E) Eagle Bluffs Conservation Area
- (F) Fountain Grove Conservation Area
- (G) Grand Pass Conservation Area
- (H) B. K. Leach Memorial Conservation Area
- (I) Marais Temps Clair Conservation Area
- (J) Montrose Conservation Area
- (K) Nodaway Valley Conservation Area
- (L) Otter Slough Conservation Area
- (M) Schell-Osage Conservation Area
- (N) Ted Shanks Conservation Area
- (O) Ten Mile Pond Conservation Area

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

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.182 Deer Hunting

PURPOSE: This rule establishes provisions for deer hunting on department areas.

(1) Deer may be hunted only during the statewide archery season and the December portion of the firearms season on the department areas listed below. Statewide methods and limits apply.

- (A) Belcher Branch Lake Conservation Area
- (B) Bethel Prairie Conservation Area
- (C) Big Creek Conservation Area
- (D) Bilby Ranch Lake Conservation Area
- (E) Buffalo Wallow Prairie Conservation Area
- (F) Bushwhacker Lake Conservation Area
- (G) Clear Creek Conservation Area
- (H) Comstock Prairie Conservation Area
- (I) Crooked River Conservation Area
- (J) Lester R. Davis Memorial Forest
- (K) Four Rivers Conservation Area (Unit 4)
- (L) Grandfather Prairie Conservation Area
- (M) Harmony Mission Lake Conservation Area
- (N) Hite Prairie Conservation Area
- (O) King Lake Conservation Area
- (P) Little Compton Lake Conservation Area
- (Q) Loutre Lick Access
- (R) Jamerson C. McCormack Conservation Area
- (S) Moore's Mill Access
- (T) Nodaway County Community Lake
- (U) Osage Prairie Conservation Area
- (V) Pa Sole Prairie Conservation Area
- (W) Paint Brush Prairie Conservation Area
- (X) Peabody Conservation Area
- (Y) Pigeon Hill Conservation Area
- (Z) Pony Express Lake Conservation Area
- (AA) Punkin Center Access
- (BB) Edward B. and Marie O. Risch Conservation Area
- (CC) Rocky Fork Lakes Conservation Area
- (DD) Sears Community Lake
- (EE) Settle's Ford Conservation Area
- (FF) Seven Island Conservation Area
- (GG) Shawnee Trail Conservation Area
- (HH) Stony Point Prairie Conservation Area
- (II) Taberville Prairie Conservation Area
- (JJ) Twenty-Five Mile Prairie Conservation Area
- (KK) Frank E. Wagner Conservation Area
- (LL) Wah-Kon-Tah Prairie (portion north of Highway 82)
- (MM) White River Trace Conservation Area
- (NN) Worth County Community Lake

(2) Deer may be hunted, under statewide seasons and limits, only by archery methods on the following department areas:

- (A) Wilbur Allen Memorial Conservation Area
- (B) Beaver Creek Conservation Area
- (C) Bennett Spring Access
- (D) Blind Pony Lake Conservation Area
- (E) Blue Lick Conservation Area
- (F) Bob Brown Conservation Area
- (G) Bois D'Arc Conservation Area
- (H) Boston Ferry Conservation Area
- (I) Branch Towersite
- (J) Brickley Hollow Access

(K) Jim Bridger Urban Conservation Area
(L) Catawissa Conservation Area
(M) Charity Access
(N) Coffin Cave Conservation Area
(O) Coon Island Conservation Area
(P) Cooper Hill Conservation Area
(Q) Corkwood Conservation Area
(R) Crooked Creek Conservation Area
(S) Cuivre Island Conservation Area (mainland portion)
(T) Diamond Grove Prairie Conservation Area
(U) Dorris Creek Prairie Conservation Area
(V) Dorsett Hill Prairie Conservation Area
(W) Drury-Mincy Conservation Area
(X) Drywood Conservation Area
(Y) Duck Creek Conservation Area
(Z) Arthur Dupree Memorial Conservation Area
(AA) Eagle Bluffs Conservation Area
(BB) Earthquake Hollow Conservation Area
(CC) Peter A. Eck Conservation Area
(DD) Edmonson Access
(EE) Elrod Mill Access
(FF) Ferguson-Herold Conservation Area
(GG) Nannie B. Floyd Memorial Conservation Area
(HH) Fort Leonard Wood Towersite
(II) Fountain Grove Conservation Area
(JJ) Four Rivers Conservation Area (Unit 1, Unit 2, Unit 3)
(KK) Frisbee Cutoff Access
(LL) Larry R. Gale Access
(MM) Gipsy Towersite
(NN) Grand Bluffs Conservation Area
(OO) Grand Pass Conservation Area
(PP) Grassy Towersite
(QQ) Hadorn Bridge Access
(RR) Hi Lonesome Prairie Conservation Area
(SS) Hornersville Swamp Conservation Area
(TT) Horse Creek Prairie Conservation Area
(UU) Howell Island Conservation Area
(VV) Hyer Woods Conservation Area
(WW) Indigo Prairie Conservation Area
(XX) Jamesport Community Lake
(YY) Anthony and Beatrice Kendzora Conservation Area
(ZZ) Kessler Memorial Wildlife Area
(AAA) Wilford V. and Anna C. Kneib Memorial Conservation Area
(BBB) Lake Girardeau Conservation Area
(CCC) B. K. Leach Memorial Conservation Area
(DDD) Little Bean Marsh Conservation Area
(EEE) Little Dixie Lake Conservation Area
(FFF) Little Prairie Conservation Area
(GGG) Little River Conservation Area
(HHH) Caroline Sheridan Logan Memorial Wildlife Area
(III) Lon Sanders Canyon Conservation Area
(JJJ) Lone Jack Lake Conservation Area
(KKK) Lost Valley Fish Hatchery
(LLL) Alice Ahart Mansfield Conservation Area
(MMM) Marais Temps Clair Conservation Area
(NNN) Merrill Horse Access
(OOO) Mockingbird Hill Access
(PPP) Nodaway Valley Conservation Area
(QQQ) Monegaw Prairie Conservation Area
(RRR) Mo-No-I Prairie Conservation Area
(SSS) Mon-Shon Prairie Conservation Area
(TTT) Montrose Conservation Area
(UUU) Mound View Access
(VVV) Old Town Access
(WWW) Pacific Palisades Conservation Area
(XXX) Guy B. Park Conservation Area
(YYY) Parma Woods Range and Training Center (north portion)

(ZZZ) Pilot Knob Conservation Area
(AAAA) Platte Falls Conservation Area
(BBBB) Prairie Slough Conservation Area
(CCCC) J. Thad Ray Memorial Wildlife Area
(DDDD) Redwing Prairie Conservation Area
(EEEE) Reform Conservation Area
(FFFF) Rocky Barrens Conservation Area
(GGGG) Rocky Mount Towersite
(HHHH) Schell-Osage Conservation Area
(IIII) Ted Shanks Conservation Area
(JJJJ) Sky Prairie Conservation Area
(KKKK) Dr. O. E. and Eloise Sloan Conservation Area
(LLLL) Sni-A-Bar Conservation Area
(MMMM) Sterling Price Community Lake
(NNNN) Sunbridge Hills Conservation Area
(OOOO) Swift Ditch Access
(PPPP) Ten Mile Pond Conservation Area
(QQQQ) Tipton Ford Access
(RRRR) Treaty Line Prairie Conservation Area
(SSSS) Upper Mississippi Conservation Area (Bay Island Unit)
(TTTT) Upper Mississippi Conservation Area (Dresser Island Unit)
(UUUU) Valley View Glades Natural Area
(VVVV) Archie and Gracie Vanderhoef Memorial State Forest
(WWWW) Victoria Glades Conservation Area
(XXXX) Vonaventure Memorial Forest and Wildlife Area
(YYYY) Warbler Woods Conservation Area
(ZZZZ) Henry Jackson Waters and C. B. Moss Memorial Wildlife Area
(AAAAA) George O. White State Forest Nursery
(BBBBB) Wolf Bayou Conservation Area
(CCCCC) Yellow Creek Conservation Area
(DDDDD) Young Conservation Area

(3) During the November and December portions of the firearms deer hunting season, only antlered deer may be taken or possessed on the department areas listed below. Antlerless deer may not be taken on a firearms deer hunting permit.

- (A) Apple Creek Conservation Area
- (B) Buffalo Hills Natural Area
- (C) Busiek State Forest and Wildlife Area
- (D) Compton Hollow Conservation Area
- (E) Daniel Boone Conservation Area
- (F) Danville Conservation Area (Baldwin, Schulze and Thornhill Annexes)
- (G) Davisdale Conservation Area
- (H) General Watkins Conservation Area
- (I) Indian Trail Conservation Area
- (J) J. N. "Turkey" Kearn Memorial Wildlife Area
- (K) Lamine River Conservation Area
- (L) Little Indian Creek Conservation Area
- (M) Little Lost Creek Conservation Area
- (N) Long Ridge Conservation Area
- (O) Maintz Wildlife Preserve
- (P) Ralph and Martha Perry Memorial Conservation Area
- (Q) Pleasant Hope Conservation Area
- (R) Ranacker Conservation Area
- (S) Red Rock Landing Conservation Area
- (T) Frank Reifsnider State Forest
- (U) River 'Round Conservation Area
- (V) Seventy-Six Conservation Area
- (W) Robert E. Talbot Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.183 Managed Deer Hunts

PURPOSE: This rule establishes provisions for managed deer hunts on department areas.

(1) Deer may be hunted only during managed hunts on the department areas listed below. Participants of managed hunts must possess a Managed Deer Hunting Permit.

- (A) Burr Oak Woods Conservation Area
- (B) August A. Busch Memorial Conservation Area
- (C) Caney Mountain Conservation Area (fenced portion)
- (D) Columbia Bottom Conservation Area
- (E) Forest 44 Conservation Area
- (F) Charles W. Green Conservation Area
- (G) Otter Slough Conservation Area
- (H) Peck Ranch Conservation Area (fenced portion)
- (I) Pelican Island Natural Area
- (J) Prairie Fork Conservation Area
- (K) James A. Reed Memorial Wildlife Area
- (L) Rockwoods Range
- (M) Saint Stanislaus Conservation Area (County Park)
- (N) Weldon Spring Conservation Area
- (O) Whetstone Creek Conservation Area

(2) Managed deer hunts, with Conservation Commission approval, may be held on any department area. Participants of managed hunts must possess a Managed Deer Hunting Permit.

(3) Persons hunting during a managed deer hunt, except archery-only hunts, shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as daylight fluorescent orange, blaze orange or hunter orange, which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement.

(4) During managed deer hunts, historic weapons shall include only longbows, crossbows and muzzleloading or cap-and-ball firearms not smaller than forty caliber (.40) capable of loading only from the muzzle and firing a single projectile at one (1) discharge.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.186 Waterfowl Hunting

PURPOSE: This rule establishes provisions for waterfowl hunting on department areas.

(1) Waterfowl hunting is permitted on department areas except as further restricted in this chapter. Statewide permits, seasons, methods and limits apply unless otherwise provided in this chapter.

(2) Waterfowl hunting is prohibited on the following department areas:

- (A) Blind Pony Lake Conservation Area
- (B) Cooley Lake Conservation Area
- (C) Hunnewell Lake Conservation Area
- (D) Lake Girardeau Conservation Area
- (E) Lake Paho Conservation Area
- (F) Lone Jack Lake Conservation Area

(3) Waterfowl hunting is prohibited after 1:00 p.m. on designated portions of the following department areas:

- (A) Amarugia Highlands Conservation Area
- (B) Bob Brown Conservation Area
- (C) Columbia Bottom Conservation Area
- (D) Coon Island Conservation Area
- (E) Duck Creek Conservation Area
- (F) Eagle Bluffs Conservation Area
- (G) Fountain Grove Conservation Area
- (H) Grand Pass Conservation Area
- (I) B. K. Leach Memorial Conservation Area
- (J) Little River Conservation Area
- (K) Long Branch Lake Management Lands
- (L) Marais Temps Clair Conservation Area
- (M) Nodaway Valley Conservation Area
- (N) Otter Slough Conservation Area
- (O) James A. Reed Memorial Wildlife Area
- (P) Schell-Osage Conservation Area
- (Q) Ted Shanks Conservation Area
- (R) Ten Mile Pond Conservation Area
- (S) Yellow Creek Conservation Area

(4) Waterfowl may be taken on the department areas listed below only by holders of a valid area daily hunting tag and only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples outside the designated area. Waterfowl hunters must check out immediately after the close of their hunting trip and prior to processing birds. These department areas are closed to waterfowl hunting on December 25. Nonhunters are prohibited within the shooting areas during the waterfowl hunting season unless they are members of and remain

with a party authorized to use the area, except that portions of these department areas may be open to fishing during all or part of the waterfowl season.

- (A) Bob Brown Conservation Area
- (B) Columbia Bottom Conservation Area
- (C) Coon Island Conservation Area
- (D) Duck Creek Conservation Area
- (E) Eagle Bluffs Conservation Area
- (F) Fountain Grove Conservation Area
- (G) Grand Pass Conservation Area
- (H) B. K. Leach Memorial Conservation Area
- (I) Marais Temps Clair Conservation Area
- (J) Montrose Conservation Area
- (K) Nodaway Valley Conservation Area
- (L) Otter Slough Conservation Area
- (M) Schell-Osage Conservation Area
- (N) Ted Shanks Conservation Area
- (O) Ten Mile Pond Conservation Area

(5) On Dehn Marsh and Sac River Marsh of Truman Reservoir Management Lands, waterfowl hunting is prohibited.

(6) On Thomas Hill Reservoir, waterfowl hunting is prohibited on the lands and waters of the main arm between Highway T and county road 462, three and one-half (3 1/2) miles north of Highway T from October 15 through the close of the waterfowl season.

(7) On Settle's Ford Conservation Area, waterfowl hunters must preregister and check out daily at designated hunter record boxes prior to and immediately after completing the hunt. Nonhunters are prohibited within the waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.

(8) On Little River Conservation Area, waterfowl hunting is permitted only during managed waterfowl hunts or by holders of a valid area daily hunting tag.

(9) On Four Rivers Conservation Area, in designated waterfowl hunting areas, waterfowl hunters must register before hunting and check out daily at area headquarters. On the remaining portions of the area, waterfowl hunters must register before hunting at designated hunter record boxes and check out immediately after completion of the hunt. In designated waterfowl hunting areas, hunting is closed on December 25. Nonhunters are prohibited within the designated waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.

(10) On James A. Reed Memorial Wildlife Area, waterfowl may be hunted by reservation only by holders of a valid area daily hunting tag on designated days and only in designated areas, except that hunters may retrieve dead birds and shoot downed cripples outside designated areas.

(11) On Marais Temps Clair Conservation Area, waterfowl hunting is permitted only on Friday, Saturday, Sunday and Monday during the prescribed waterfowl hunting season, except the area is open daily until 1:00 p.m. for teal hunting during the early season.

(12) On August A. Busch Memorial Conservation Area and Charles W. Green Conservation Area, waterfowl may be hunted only during managed waterfowl hunts.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.187 Trapping

PURPOSE: This rule establishes provisions for trapping on department areas.

Trapping on department areas is allowed only with a special use permit issued by the area manager. Trappers must comply with Chapter 8 of the Wildlife Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.200 Fishing, General Provisions and Seasons

PURPOSE: This rule establishes provisions for fishing on department areas.

(1) Fishing is permitted on department areas, except as further restricted by signs, area brochures or this chapter. Statewide permits, seasons, methods and limits apply unless otherwise provided in this chapter.

(2) Fishing is prohibited on the following department areas or individually named lakes:

- (A) Allred Lake Natural Area

- (B) Rudolf Bennitt Lake (Rudolf Bennitt Conservation Area)
- (C) Robert L. Blattner Conservation Area
- (D) Burr Oak Woods Conservation Area
- (E) Gama Grass Prairie Conservation Area
- (F) Gay Feather Prairie Conservation Area
- (G) Charles W. Green Conservation Area
- (H) Little Osage Prairie
- (I) Chloe Lowry Marsh Natural Area
- (J) Mon-Shon Prairie Conservation Area
- (K) Mount Vernon Prairie
- (L) Niawathe Prairie Conservation Area
- (M) Pawhuska Prairie
- (N) Powder Valley Conservation Nature Center
- (O) Springfield Conservation Nature Center
- (P) Wah-Kon-Tah Prairie (portion south of Highway 82)
- (Q) Wah-Sha-She Prairie
- (R) Henry Jackson Waters and C. B. Moss Memorial Wildlife Area
- (S) Mark Youngdahl Urban Conservation Area

(3) On Jerry J. Presley Conservation Education Center, fishing is permitted only with a special use permit.

(4) On Prairie Lake (Weldon Spring Conservation Area), fishing is prohibited during the area's prescribed waterfowl hunting season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.205 Fishing, Methods and Hours

PURPOSE: This rule establishes provisions for fishing methods and hours of restricted public use on department areas.

(1) On lakes and ponds, fish may be taken only with pole and line and not more than three (3) poles may be used by one (1) person at any time, except as otherwise provided in this chapter.

(A) Fish may be taken with limb lines and bank lines on the following department areas or individually named lakes:

1. Montrose Conservation Area
2. Schell-Osage Conservation Area
3. Ted Shanks Conservation Area
4. Thomas Hill Reservoir

(B) Carp, buffalo, suckers and gar may be taken by gig, long-bow or crossbow during statewide seasons on the following department areas or individually named lakes:

1. Atlanta Conservation Area
2. Bismarck Conservation Area
3. Blackjack Access
4. Bob Brown Conservation Area
5. Cooley Lake Conservation Area
6. Deer Ridge Conservation Area
7. Deroind Bend Conservation Area
8. Duck Creek Conservation Area
9. Eagle Bluffs Conservation Area
10. Connor O. Fewel Conservation Area
11. Fountain Grove Conservation Area
12. Four Rivers Conservation Area
13. Franklin Island Conservation Area
14. Grand Pass Conservation Area
15. Hunnewell Lake Conservation Area
16. King Lake Conservation Area
17. Kings Prairie Access
18. Lake Paho Conservation Area
19. Lamine River Conservation Area
20. B. K. Leach Memorial Conservation Area
21. Limpp Community Lake
22. Little Compton Lake Conservation Area
23. Locust Creek Conservation Area
24. Manito Lake Conservation Area
25. Marais Temps Clair Conservation Area
26. Nodaway Valley Conservation Area
27. Otter Lake (Otter Slough Conservation Area)
28. Peabody Conservation Area
29. Ralph and Martha Perry Memorial Conservation Area
30. Haysler A. Poague Conservation Area
31. Pony Express Lake Conservation Area
32. Rebel's Cove Conservation Area
33. Schell-Osage Conservation Area
34. Henry Sever Lake Conservation Area
35. Settle's Ford Conservation Area
36. Ted Shanks Conservation Area
37. H. F. Thurnau Conservation Area
38. Truman Reservoir Management Lands
39. Worth County Community Lake
40. Worthwine Island Conservation Area

(2) On Conservation Commission Headquarters, fishing is permitted only on designated waters from 6:00 a.m. to 9:00 p.m., April 1 through October 31 and from 6:00 a.m. to 6:00 p.m., November 1 through March 31. All fish must be returned to the water unharmed immediately after being caught.

(3) On James A. Reed Memorial Wildlife Area:

(A) Fishing is permitted only on designated waters from 6:00 a.m. to 9:00 p.m., April 1 through September 30 and from 6:00 a.m. to 6:00 p.m., October 1 through March 31.

(B) On Coot Lake, from November 1 through February 19, only flies, artificial lures and soft plastic baits (unscented) may be used and fish must be returned to the water unharmed immediately after being caught.

(C) On Honker Pond, fishing is restricted to persons twelve (12) years of age or younger and not more than one (1) pole and line may be used by one (1) person at a time.

(4) On August A. Busch Memorial Conservation Area, fishing is permitted only on designated waters from 6:00 a.m. to 9:00 p.m. daily.

(5) On Ronald and Maude Hartell Conservation Area, fishing is permitted only on designated waters. Only flies, artificial lures and soft plastic baits (unscented) may be used and fish must be

returned to the water unharmed immediately after being caught except by holders of a special use permit.

(6) On Lost Valley Fish Hatchery, fishing is permitted only on designated waters from 9:00 a.m. to 4:00 p.m. daily. Fishing is restricted to persons twelve (12) years of age or younger and not more than one (1) pole and line may be used by one (1) person at a time.

(7) On Binder Community Lake, fishing is permitted only from 3:00 a.m. to 11:00 p.m. daily.

(8) Seining or trapping live bait, including tadpoles, is prohibited on all lakes and ponds, and streams and their discharge channels in Mule Shoe Conservation Area, except as otherwise provided in this chapter.

(A) Seining or trapping live bait, including tadpoles, in compliance with 3 CSR 10-6.605 is permitted on designated lakes and ponds on Bob Brown Conservation Area, Fountain Grove Conservation Area, Grand Pass Conservation Area and Nodaway Valley Conservation Area.

(B) On designated waters on Schell-Osage Conservation Area, gizzard shad may be taken by live bait methods designated in 3 CSR 10-6.605.

(9) Salvage seining of other fish as designated in 3 CSR 10-6.550 may be permitted seasonally for personal use with a special use permit.

(10) On Wire Road Conservation Area, other fish as designated in 3 CSR 10-6.550 may be taken by snagging, snaring, or grabbing from March 15 through May 15.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.210 Fishing, Daily and Possession Limits

PURPOSE: This rule establishes provisions for daily and possession limits on department areas.

(1) Statewide daily and possession limits shall apply for all species, except that: In lakes and ponds, daily limits are catfish in the aggregate (channel catfish, blue catfish, flathead catfish), four (4); black bass, six (6); crappie, thirty (30); and all other fish, statewide limits, but not to exceed twenty (20) in the aggregate;

except as otherwise provided in this chapter.

(2) The daily limit for black bass shall be two (2) on the following department areas or individually named lakes:

- (A) Amarugia Highlands Conservation Area
- (B) Atkinson Lake (Schell-Osage Conservation Area)
- (C) Baltimore Bend Conservation Area
- (D) Belcher Branch Lake Conservation Area
- (E) Bellefontaine Conservation Area
- (F) August A. Busch Memorial Conservation Area
- (G) Robert G. DeLaney Lake Conservation Area
- (H) Lake Paho Conservation Area
- (I) Lone Jack Lake Conservation Area
- (J) Manito Lake Conservation Area
- (K) Maple Leaf Lake Conservation Area
- (L) Port Hudson Lake Conservation Area
- (M) James A. Reed Memorial Wildlife Area
- (N) Schell Lake (Schell-Osage Conservation Area)
- (O) Weldon Spring Conservation Area

(3) On Blind Pony Lake Conservation Area, the daily limit for black bass shall be one (1).

(4) On Bellefontaine Conservation Area, Che-Ru Lake (Fountain Grove Conservation Area), Hazel Hill Lake and Schell-Osage Conservation Area, the daily limit for crappie shall be fifteen (15).

(5) On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, the daily limit for white bass, striped bass and their hybrids in the aggregate shall be four (4); on James A. Reed Memorial Wildlife Area, the aggregate daily limit for all other fish shall be ten (10).

(6) At Tobacco Hills Lake (Guy B. Park Conservation Area), the daily limit for bluegill shall be eight (8).

(7) On Duck Creek Conservation Area, statewide limits shall apply for other fish as designated in 3 CSR 10-6.550.

(8) On Bellefontaine Conservation Area and Port Hudson Lake Conservation Area, the daily limit for other fish as designated in 3 CSR 10-6.550 shall be ten (10) in the aggregate.

(9) On Jerry J. Presley Conservation Education Center, except as otherwise provided on the special use permit, fish must be returned to the water unharmed immediately after being caught.

(10) On Lost Valley Fish Hatchery, the daily limit for all fish shall be two (2) in the aggregate. No person shall continue to fish for any species after having two (2) fish in possession.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-11.215 Fishing, Length Limits

PURPOSE: This rule establishes provisions for length limits on department areas.

(1) Statewide length limits shall apply for all species, except as further restricted in this chapter.

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(A) Black bass less than twelve inches (12") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Bois D'Arc Conservation Area
2. Malta Bend Community Lake
3. Painted Rock Conservation Area
4. Peabody Conservation Area
5. Haysler A. Poague Conservation Area
6. Robert E. Talbot Conservation Area

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Amarugia Highlands Conservation Area
2. Atkinson Lake (Schell-Osage Conservation Area)
3. Baltimore Bend Conservation Area
4. Bilby Ranch Lake Conservation Area
5. Binder Community Lake
6. Buffalo Bill Lake (Pony Express Lake Conservation Area)
7. August A. Busch Memorial Conservation Area (except

Lakes 33 and 35)

8. Che-Ru Lake (Fountain Grove Conservation Area)
9. Jerry P. Combs Lake (Little River Conservation Area)
10. Deer Ridge Lake (Deer Ridge Conservation Area)
11. General Watkins Conservation Area
12. Jamesport Community Lake
13. Limpp Community Lake
14. Little Compton Lake Conservation Area
15. Lone Jack Lake Conservation Area
16. Maple Leaf Lake Conservation Area
17. Nodaway County Community Lake
18. Perry County Community Lake
19. Pony Express Lake (Pony Express Lake Conservation

Area)

20. Ray County Community Lake
21. James A. Reed Memorial Wildlife Area
22. Rinquelin Trail Community Lake
23. Schell Lake (Schell-Osage Conservation Area)
24. Ted Shanks Conservation Area
25. Tobacco Hills Lake (Guy B. Park Conservation Area)
26. Union Ridge Lake (Union Ridge Conservation Area)
27. Vandalia Community Lake
28. Weldon Spring Conservation Area
29. Worth County Community Lake

(C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Bellefontaine Conservation Area
2. Lakes 33 and 35 (August A. Busch Memorial Conservation

Area)

3. Belcher Branch Lake Conservation Area
4. Robert G. Delaney Lake Conservation Area
5. Lake Paho Conservation Area
6. Manito Lake Conservation Area
7. Port Hudson Lake Conservation Area

(D) On Blind Pony Lake Conservation Area, black bass less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught.

(E) On Hazel Hill Lake, black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught.

(3) On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught.

(4) On Blind Pony Lake Conservation Area, Hazel Hill Lake and Manito Lake Conservation Area, channel catfish and blue catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(5) On August A. Busch Memorial Conservation Area, Che-Ru Lake (Fountain Grove Conservation Area), James A. Reed Memorial Wildlife Area and Schell-Osage Conservation Area, flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught.

(6) On Tobacco Hills Lake (Guy B. Park Conservation Area), bluegill less than eight inches (8") total length must be returned to the water unharmed immediately after being caught.

(7) On Lake Girardeau Conservation Area and Henry Sever Lake Conservation Area, muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Definitions**

PROPOSED RESCISSION

3 CSR 10-11.805 Definitions. This rule relates to words and terms used in the Code.

PURPOSE: This rule is being rescinded and readopted to reflect changes in format to the Missouri Wildlife Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. Amended: Filed

June 3, 1976, effective Sept. 12, 1976. Amended: Filed July 13, 1976, effective Dec. 31, 1976. Amended: Filed July 20, 1977, effective Jan. 1, 1978. Amended: Filed April 20, 1978, effective Aug. 15, 1978. Amended: Filed Aug. 4, 1978, effective Jan. 1, 1979. Amended: Filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed June 27, 1980, effective Oct. 11, 1980. Amended: Filed April 22, 1981, effective Aug. 14, 1981. Amended: Filed June 1, 1981, effective Aug. 14, 1981. Amended: Filed July 31, 1981, effective Jan. 1, 1982. Amended: Filed July 27, 1982, effective Jan. 1, 1983. Amended: Filed Aug. 1, 1983, effective Jan. 1, 1984. Emergency amendment filed Feb. 24, 1984, effective March 5, 1984, expired June 15, 1984. Amended: Filed Aug. 6, 1985, effective Jan. 1, 1986. Amended: Filed Aug. 7, 1986, effective Jan. 1, 1987. Amended: Filed Aug. 9, 1988, effective Jan. 1, 1989. Amended: Filed Aug. 8, 1989, effective Jan. 1, 1990. Amended: Filed May 10, 1990, effective Jan. 1, 1991. Amended: Filed May 10, 1991, effective Jan. 1, 1992. Amended: Filed Oct. 11, 1990, effective July 1, 1992. Amended: Filed June 2, 1992, effective Jan. 15, 1993. Amended: Filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed April 27, 1994, effective Jan. 1, 1995. Amended: Filed July 6, 1994, effective Jan. 1, 1995. Amended: Filed Jan. 30, 1995, effective June 30, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed June 11, 1998, effective March 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed April 24, 2000, effective March 1, 2001. Rescinded: Filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-12.101 Title; Authority

PURPOSE: This rule establishes cooperative special provisions for public use activities on areas owned by other entities.

The special regulations in this chapter apply on lands and waters managed by the department under cooperative agreement.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-12.105 Wildlife Refuges

PURPOSE: This rule establishes provisions for the designation of private property and property owned by government agencies other than the department as wildlife refuges.

(1) The Conservation Commission may establish wildlife refuges and special regulations on state, federal and private lands in cooperation with administering authorities for those lands. No wildlife of any kind may be molested, pursued, hunted or taken on any land posted as a refuge, except under conditions the commission may permit and declare by regulation. However, other government agencies may permit hunting and fishing under statewide regulations or under more restrictive provisions on refuges under their administration.

(2) State parks are designated as wildlife refuges.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-12.110 Use of Boats and Motors

PURPOSE: This rule establishes provisions for use of boats and motors on areas under management agreement with the department.

(1) Only boats with electric motors may be used on areas managed by the department under cooperative agreement unless otherwise provided in this rule.

(2) Boats are prohibited on the following areas:

- (A) Bridgeton (Kiwanis Lake)
- (B) California (Proctor Park Lake)
- (C) Cole County (Jaycee Park Lake)
- (D) Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods)
- (E) Confederate Memorial State Historic Site lakes
- (F) Dexter City Lake
- (G) Farmington City Lake
- (H) Jackson (Rotary Park Lake)
- (I) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Fleming Pond, Scherer Lake, Wyatt Lake)
- (J) James Foundation (Scioto Lake)
- (K) Jefferson City (McKay Park Lake)
- (L) Mexico (Kiwanis Lake)
- (M) Mineral Area College (Quarry Pond)
- (N) Mount Vernon (Williams Creek Park Lake)
- (O) Overland (Wild Acres Park Lake)
- (P) Potosi (Roger Bilderback Lake)
- (Q) Rolla (Schuman Park Lake)
- (R) St. Louis County (Bee Tree Lake)
- (S) Sedalia (Clover Dell Park Lake, Liberty Park Pond)
- (T) University of Missouri (South Farm R-1 Lake)

(3) On the portion of Melvin Price Locks and Dam Pool 26, which has been designated a waterfowl refuge, boating is prohibited where posted from October 15 through April 15.

(4) Only boats without motors may be used on Columbia (Twin Lake).

(5) Outboard motors not in excess of ten (10) horsepower may be used on the following areas:

- (A) Bethany (North Bethany City Reservoir)
- (B) Fayette (D.C. Rogers Lake, Fayette City Lake No. 2)
- (C) LaPlata City Lake
- (D) Macon City Lake
- (E) Moberly (Rothwell Park Lake, Water Works Lake)
- (F) Odessa City Lake
- (G) Springfield City Utilities (Lake Springfield)
- (H) Unionville City Lake
- (I) Wakonda State Park (Agate Lake and Wakonda Lake)
- (J) Watkins Mill State Park Lake

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

- (A) Brookfield City Lake
- (B) Cameron (Grindstone Reservoir)
- (C) Fredericktown City Lake
- (D) Little River Drainage District (Headwaters Diversion Channel)
- (E) Higginsville City Lake
- (F) Holden City Lake
- (G) Iron Mountain City Lake
- (H) LaBelle City Lake
- (I) Marceline City Lake
- (J) Mark Twain National Forest (Council Bluff Lake)
- (K) Memphis (Lake Showme)
- (L) Milan (Elmwood Lake)
- (M) Monroe (Route J Reservoir)

(7) Outboard motors not in excess of forty (40) horsepower may be used on Springfield City Utilities (Fellows Lake).

(8) Outboard motors of any size may be used on Concordia (Edwin A. Pape Lake) but must be operated at slow, no-wake speed.

(9) No boat motor restrictions apply on Harrison County Lake and Maryville (Mozingo Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-12.115 Bullfrogs and Green Frogs

PURPOSE: This rule establishes provisions for harvesting bullfrogs and green frogs on areas under management agreement with the department.

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

(A) Longbows may not be used to take frogs on the following areas:

1. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake)
2. Farmington City Lake
3. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
4. James Foundation (Scioto Lake)
5. Mark Twain National Forest (department managed portions)
6. Mexico (Lakeview Lake, Kiwanis Lake)
7. Moberly (Rothwell Park Lake, Water Works Lake)

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

1. Bridgeton (Kiwanis Lake)
2. Butler City Lake
3. Kirkwood (Walker Lake)
4. Mineral Area College (Quarry Pond)
5. Overland (Wild Acres Park Lake)
6. Potosi (Roger Bilderback Lake)
7. St. Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake)
8. Sedalia (Clover Dell Park Lake, Liberty Park Pond)
9. Warrensburg (Lion's Lake)
10. Wentzville (Community Club Lake)
11. Windsor (Farrington Park Lake)

(C) The taking of frogs is prohibited on the following areas:

1. Thomas S. Baskett Wildlife Research and Education Center, except on Ashland Lake
2. Bennett Spring State Park
3. Mark Twain National Forest (Carmen Springs Management Area)

4. Maramec Spring Trout Park
5. Montauk State Park
6. Roaring River State Park

(2) Firearms may not be used to take bullfrogs and green frogs.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-12.125 Hunting and Trapping

PURPOSE: This rule establishes provisions for hunting and trapping on areas under management agreement with the department.

(1) Hunting, under statewide permits, seasons, methods and limits, is permitted except as further restricted in this chapter.

(A) Hunting may be further restricted on designated portions of areas which include shooting ranges, residences, work areas, campgrounds and other public use or service areas.

(B) Hunting is prohibited on the following areas:

1. Thomas S. Baskett Wildlife Research and Education Center
2. Bethany (Old Bethany City Reservoir)
3. Bridgeton (Kiwanis Lake)
4. California (Proctor Park Lake)
5. Carthage (Kellogg Lake)
6. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake)
7. Dexter City Lake
8. Farmington City Lake
9. Hamilton City Lake
10. Harrisonville (North Lake)
11. Jackson (Rotary Park Lake)
12. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Fleming Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
13. James Foundation (Scioto Lake)
14. Jamesport City Lake
15. Lawson City Lake
16. Mexico (Lakeview Lake, Kiwanis Lake)
17. Mineral Area College (Quarry Pond)
18. Moberly (Rothwell Park Lake, Water Works Lake)
19. Mount Vernon (Williams Creek Park Lake)
20. Overland (Wild Acres Park Lake)
21. Potosi (Roger Bilderback Lake)
22. Rolla (Schuman Park Lake)

23. St. Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake)

24. Savannah City Lake

25. Sedalia (Clover Dell Park Lake)

26. Springfield City Utilities (Lake Springfield)

27. Warrensburg (Lion's Lake)

28. Windsor (Farrington Park Lake)

(C) Firearms hunting is prohibited on Cameron (Reservoirs No. 1, 2, and 3, Grindstone Reservoir) and Springfield City Utilities (Fellows Lake), except waterfowl hunting is permitted under statewide regulations until 1:00 p.m. on designated portions of Cameron (Reservoir No. 3, Grindstone Reservoir) and Springfield City Utilities (Fellows Lake).

(D) Firearms deer hunting is prohibited on Butler City Lake.

(E) Hunting is prohibited on Maysville (Willow Brook Lake), except waterfowl hunting is permitted under statewide regulations.

(F) On Mingo National Wildlife Refuge:

1. Deer and turkey during the fall archery season and turkey during the spring firearms season may only be taken under statewide regulations in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.

2. Squirrels may only be taken from the fourth Saturday in May through September 30 in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.

3. Waterfowl hunting is prohibited after 1:00 p.m. and on December 25.

4. Waterfowl may be taken only by holders of a valid area daily hunting tag and only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples outside the designated area.

5. Waterfowl hunters must check out immediately after the close of their hunting trip and prior to processing birds.

6. Nonhunters are prohibited within the shooting areas during the waterfowl hunting season unless they are members of and remain with a party authorized to use the area, except that portions of these areas may be open to fishing during all or part of the waterfowl season.

7. Hunting of wildlife other than waterfowl is prohibited, except in designated areas, from October 15 through the end of the prescribed waterfowl season.

(G) On the portion of Melvin Price Locks and Dam Pool 26, which has been designated a waterfowl refuge, shooting, hunting and off-road vehicles are prohibited at all times.

(2) Managed deer hunts, with commission approval, may be held on any area managed by the department under cooperative agreement. Participants of managed hunts must possess a Managed Deer Hunting Permit.

(3) Trapping is allowed only with a special use permit. Trappers must comply with Chapter 8 of the Wildlife Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-12.130 Fishing, General Provisions and Seasons

PURPOSE: This rule establishes where and when fishing is allowed on areas under management agreement with the department.

(1) Fishing, under statewide permits and seasons, is allowed on areas managed by the department under cooperative agreement except as otherwise provided in this chapter.

(2) Fishing is prohibited where designated by signs.

(3) Fishing is prohibited on Chillicothe R-2 School District (Litton Center Pond), Jackson County (Fleming Pond) and Mark Twain National Forest (Carmen Spring Management Area).

(4) On Mingo National Wildlife Refuge, fishing is permitted on all waters from March 15 through September 30. From October 1 through March 14 fishing is permitted on designated waters only.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-12.135 Fishing, Methods

PURPOSE: This rule establishes provisions for fishing methods on areas under management agreement with the department.

(1) Fishing methods, other than the use of pole and line with lure or bait, are prohibited on lakes managed by the department under a cooperative agreement except as otherwise provided in this rule.

(2) A person may use no more than three (3) poles at any time.

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

- (A) Brookfield City Lake
- (B) Bethany (North Bethany City Reservoir)
- (C) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
- (D) Fayette (D.C. Rogers Lake, Fayette City Lake No. 2)

- (E) Hamilton City Lake
- (F) Harrison County Lake
- (G) Jackson County (Lake Jacomo, north of Colbern Road)
- (H) Kirksville (Hazel Creek Lake)
- (I) Maryville (Mozingo Lake)
- (J) Macon City Lake
- (K) St. Louis County (Sunfish Lake)
- (L) Thousand Hills State Park (Forest Lake)
- (M) Unionville City Lake
- (N) Wakonda State Park lakes

(4) Carp, buffalo, suckers and gar may be taken by gig during statewide seasons on Jackson County (Prairie Lee Lake).

(5) Carp, buffalo, gar and shad may be taken by longbow from sunrise to midnight throughout the year on Concordia (Edwin A. Pape Lake) and Higginsville City Lake.

(6) Fish may be taken with limb lines and bank lines on Thousand Hills State Park (Forest Lake).

(7) Only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 through January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake) and St. Louis County (Tilles Park Lake).

(8) On Mingo National Wildlife Refuge, other fish as designated in 3 CSR 10-6.550 may be taken for personal use by nets and seines from March 15 through September 30. All gear shall be plainly labeled on a durable material with the name and address of the person using the equipment.

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

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
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PROPOSED RULE

3 CSR 10-12.140 Fishing, Daily and Possession Limits

PURPOSE: This rule establishes daily and possession limits for fish on areas under management agreement with the department.

(1) Statewide daily limits shall apply for all species, except as otherwise provided in this rule.

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

- (A) Arrow Rock State Historic Site (Big Soldier Lake)
- (B) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (C) Bridgeton (Kiwanis Lake)
- (D) Butler City Lake
- (E) California (Proctor Park Lake)
- (F) Columbia (Twin Lake)
- (G) Concordia (Edwin A. Pape Lake)
- (H) Confederate Memorial State Historic Site lakes
- (I) Ferguson (January-Wabash Lake)
- (J) Higginsville City Lake
- (K) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- (L) Jefferson City (McKay Park Lake)
- (M) Kirksville (Hazel Creek Lake)
- (N) Kirkwood (Walker Lake)
- (O) Macon (Blees Lake)
- (P) Mineral Area College (Quarry Pond)
- (Q) Overland (Wild Acres Park Lake)
- (R) Potosi (Roger Bilderback Lake)
- (S) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (T) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
- (U) University of Missouri (South Farm R-1 Lake)
- (V) Warrensburg (Lion's Lake)
- (W) Watkins Mill State Park Lake
- (X) Wentzville (Community Club Lake)
- (Y) Windsor (Farrington Park Lake)

(3) The daily limit for bullhead catfish is ten (10) on the following lakes:

- (A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (B) Ferguson (January-Wabash Lake)
- (C) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (D) St. Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(4) The daily limit for carp is four (4) on the following lakes:

- (A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (B) Ferguson (January-Wabash Lake)
- (C) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (D) St. Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(5) The daily limit for channel catfish, blue catfish and flathead catfish in the aggregate is four (4).

(6) The daily limit for crappie is fifteen (15) on the following lakes:

- (A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (B) Ferguson (January-Wabash Lake)

(C) Kirksville (Hazel Creek Lake)

(D) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

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

(F) Springfield City Utilities (Fellows Lake)

(7) The daily limit for white bass, striped bass and their hybrids in the aggregate is four (4) on Cameron (Reservoir No. 3) and St. Louis County (Creve Coeur Lake).

(8) The daily limit for gizzard shad for bait on Jackson County (Lake Jacomo, Prairie Lee Lake) and Concordia (Edwin A. Pape Lake) is one hundred fifty (150).

(9) The daily limit for other fish as designated in 3 CSR 10-6.550 is twenty (20) in the aggregate, except on the following lakes where the daily limit in the aggregate is ten (10), and except for those fish included in (3), (4) and (8) of this rule:

(A) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(B) Bridgeton (Kiwanis Lake)

(C) Ferguson (January-Wabash Lake)

(D) Kirkwood (Walker Lake)

(E) Mineral Area College (Quarry Pond)

(F) Overland (Wild Acres Park Lake)

(G) Potosi (Roger Bilderback Lake)

(H) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

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

(J) Wentzville (Community Club Lake)

(10) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake) and St. Louis County (Tilles Park Lake). Trout may not be possessed on these waters during this season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
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PROPOSED RULE

3 CSR 10-12.145 Fishing, Length Limits

PURPOSE: This rule establishes length limits on fish for areas under management agreement with the department.

(1) Statewide length limits shall apply for all species, except as otherwise provided in this rule.

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

(A) Black bass less than twelve inches (12") total length must be returned to the water unharmed immediately after being caught on Knob Noster State Park lakes and Van Meter State Park Lake.

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

1. Arrow Rock State Historic Site (Big Soldier Lake)
 2. Bethany (Old Bethany City Reservoir)
 3. Big Oak Tree State Park (Big Oak Lake)
 4. Butler City Lake
 5. California (Proctor Park Lake)
 6. Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
 7. Carthage (Kellogg Lake)
 8. Concordia (Edwin A. Pape Lake)
 9. Confederate Memorial State Historic Site lakes
 10. Dexter City Lake
 11. Hamilton City Lake
 12. Harrison County Lake
 13. Higginsville City Lake
 14. Holden City Lake
 15. Iron Mountain City Lake
 16. Jackson (Rotary Park Lake)
 17. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
 18. Jefferson City (McKay Park Lake)
 19. Lancaster (New City Lake)
 20. Maysville (Willow Brook Lake)
 21. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake)
 22. Mineral Area College (Quarry Pond)
 23. Pershing State Park ponds
 24. Potosi (Roger Bilderback Lake)
 25. Warrensburg (Lion's Lake)
 26. Watkins Mill State Park Lake
 27. Windsor (Farrington Park Lake)
 28. Unionville City Lake
 29. University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake)
- (C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:
1. Ballwin (New Ballwin Lake, Vlasik Park Lake)
 2. Bridgeton (Kiwani's Lake)
 3. Columbia (Twin Lake)
 4. Ferguson (January-Wabash Lake)
 5. Kirksville (Hazel Creek Lake)
 6. Kirkwood (Walker Lake)

7. Macon (Blees Lake)

8. Overland (Wild Acres Park Lake)

9. St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

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

11. University of Missouri (South Farm R-1 Lake)

12. Wentzville (Community Club Lake)

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

(3) White bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on Cameron (Reservoir No. 3) and St. Louis County (Creve Coeur Lake).

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

(5) Channel catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on Macon City Lake and Marceline City Lake.

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

(7) Muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught on Kirksville (Hazel Creek Lake).

(8) Walleye less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on Maryville (Mozingo Lake) and Memphis (Lake Showme).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-12.150 Fishing, Trout Parks

PURPOSE: This rule establishes methods, seasons, and limits for fishing within Trout Park streams under management agreement with the department.

(1) On Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park:

(A) Fishing is permitted on designated waters during posted hours. Not more than one (1) pole and line may be used by one (1) person at any time. Gigging, snaring, snagging, and the taking of live bait are prohibited. Flies, artificial lures, unscented soft plastic baits and natural and scented baits may be used, except in waters posted as restricted to specific baits or lures. The use of any foods to attract fish, except when placed on a hook, is prohibited.

(B) Trout fishing is permitted from March 1 through October 31. The daily limit is five (5) trout, and no person shall continue to fish for any species after having five (5) trout in possession. Fishing in the designated trout waters is permitted only by holders of a signed valid area daily trout fishing tag.

(C) On a designated portion of Montauk State Park and Roaring River State Park, catch and release trout fishing only is permitted from March 1 through October 31. Only flies may be used, and trout must be returned to the water unharmed immediately after being caught. Trout may not be possessed in these designated areas, and no person with five (5) trout already in possession may fish there.

(D) Trout fishing is permitted 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. Fishing in designated trout waters is permitted only by holders of a valid trout permit. Only flies may be used, and all fish must be returned to the water unharmed immediately after being caught. Fish may not be possessed on these waters.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

PROPOSED RULE

3 CSR 10-20.805 Definitions

PURPOSE: This rule defines words and terms used in the Code.

(1) For the purpose of this Code the following definitions shall govern unless a different meaning is stated or clearly evident from the context.

(2) Antlered deer: A deer having at least one (1) antler not less than three inches (3") long.

(3) Arm of lake: An inlet or bay of a water impoundment, including all impounded tributaries, smaller arms and coves thereof other than those specifically excepted.

(4) Backwater: Any flowing or nonflowing water lying exclusively within the floodplain of a river and connected to that river at any water level below official flood stage, as designated by the U.S. Army Corps of Engineers for the portion of the river where backwater is occurring. Backwater shall not include tributary streams and ditches, but may include side channels, chutes, sloughs, bayous, oxbows and blew holes.

(5) Chase or chased: The act of using dogs to follow wildlife for the purpose of recreation or dog training, but not for the purpose of catching or taking that wildlife.

(6) Circus: A scheduled staged event in which entertainment includes performances by trained wildlife, either native or nonnative to the continental United States, and in which physical contact between wildlife and humans is restricted to the handlers, performers or other circus employees.

(7) Closed season: That period of time during which the pursuit or taking of wildlife is prohibited by this Code.

(8) Commercial establishment: Any place of business, owned or operated by any person or group of persons, or business concern of any kind, where ordinary trade or business practices are conducted. This term shall include, but is not restricted to, any club, association or society where meals, lodging or other services or facilities are furnished for a consideration, price or fee.

(9) Commercial fish: All fish except shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail), pallid and lake sturgeon and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin and name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include common snapping and soft-shelled turtles and crayfish taken from waters open to commercial fishing. In the Mississippi River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel, blue and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail).

(10) Commercial waters: The flowing portions of the Missouri River, the Mississippi River except in Sand Chute below the mouth of the Salt River in Pike County, and that part of the St. Francis River which forms a boundary between the states of Arkansas and Missouri, and also waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City, and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line.

(11) Commission: The Conservation Commission as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of the *Constitution of Missouri* (see also Article IV, Section 12).

(12) Crossbow: A device for discharging quarrels or bolts, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by release of a trigger.

(13) Days or dates: All days and dates shall be inclusive. A day shall begin or end at midnight, unless otherwise specified.

(14) Department: The Department of Conservation as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of *Constitution of Missouri* (see also Article IV, Section 12).

(15) Director: The director of the Department of Conservation.

(16) Ditch: Any artificial drainageway, tributary to a stream or body of water, and containing sufficient water to support fish.

(17) Domicile: The place where a person has his/her true, fixed and permanent home and principal establishment and to which whenever s/he is absent s/he has the intention of returning. It is his/her legal residence, as distinguished from his/her temporary place or abode; or his/her home, as distinguished from a place to which business or pleasure may temporarily call him/her.

(18) Field or retriever trials: An organized contest, demonstration or trial of dogs where prizes or awards of any kind are offered and where dogs under control are used to chase, pursue or retrieve wildlife.

(19) Firearms: Pistols, revolvers and rifles propelling a single projectile at one (1) discharge including those powered by spring, air or compressed gas, and shotguns not larger than ten (10) gauge.

(20) Flies, lures and baits: The following are authorized for use except where restricted in 3 CSR 10-6.415, 3 CSR 10-6.535, 3 CSR 10-11.205, and 3 CSR 10-12.135.

(A) Fly—A lure constructed on a single-point hook, of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon or nylon thread or floss, with or without spinner.

(B) Artificial lure—A manufactured lure other than a fly or soft plastic bait (unscented).

(C) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs and soft plastic lures.

(D) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn and other food substances not containing any ingredient to stupefy, injure or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell and any fly, lure or bait containing or used with such substances.

(21) Furbearing animals: Furbearers: Mink, muskrat, opossum, river otter, striped skunk, spotted skunk, badger, beaver, raccoon, long-tailed weasel, red fox, gray fox, bobcat, mountain lion, black bear and coyote.

(22) Game birds: Geese, ducks, ring-necked pheasant, gray partridge, ruffed grouse, wild turkey, northern bobwhite quail, Virginia rail, sora rail, American coot, American woodcock, common snipe, mourning dove and crows.

(23) Game fish: Shall include the following in which the common names are to be interpreted as descriptive of, but not limiting, the classification by Latin names:

(A) *Ambloplites*, all species of rock bass, commonly known as goggle-eye, redeye, shadow bass, Ozark bass.

(B) *Lepomis gulosus*, commonly known as warmouth bass.

(C) *Esox*, all species commonly known as muskellunge, tiger muskie, muskie-pike, hybrid, northern pike, chain pickerel, grass pickerel.

(D) *Ictalurus*, all species except bullheads, commonly known as channel catfish, blue catfish, Mississippi cat, Fulton cat, spotted cat, white cat, willow cat, fiddler cat.

(E) *Micropterus*, all species of black bass and their hybrids, commonly known as largemouth bass, lineside bass, smallmouth bass, brown bass, Kentucky bass, spotted bass.

(F) *Polyodon*, all species, commonly known as paddlefish, spoonbill.

(G) *Pomoxis*, all species, commonly known as crappie, white crappie, black crappie.

(H) *Pylodictis*, commonly known as flathead catfish, goujon, yellow cat, river cat.

(I) *Morone*, all species and their hybrids, commonly known as white bass, yellow bass, striped bass.

(J) *Oncorhynchus* and *Salmo*, all species commonly known as salmon and trout.

(K) *Stizostedion*, all species and their hybrids, commonly known as walleye, pike perch, jack salmon, sauger.

(24) Game mammals: Deer, fox squirrel, gray squirrel, groundhog (woodchuck), cottontail rabbit, swamp rabbit, jack rabbits, and furbearers as defined.

(25) Grab: The act of snagging or attempting to snag a fish by means of a pole, line and hook manipulated by hand.

(26) Hook: Single- or multiple-pronged hooks and the ordinary artificial lures with attached single- or multiple-pronged hooks and dropper flies. A multiple-pronged hook or two (2) or more hooks employed to hold a single bait, shall be considered a single hook in counting the allowable total in use.

(27) Length of fish: Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together. The length of paddlefish is measured from the eye to the fork of the tail. The length of sturgeon is measured from the tip of the snout to the fork of the tail.

(28) Lessee: Any Missouri resident who resides on at least five (5) acres of land in one (1) continuous tract owned by others, or any member of the immediate household whose legal residence and domicile is the same as the lessee's for at least thirty (30) days last past.

(29) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.

(30) Longbow: A bow drawn and held by hand and not fastened to a stock nor to any other device which maintains the bow in a drawn position. This definition includes compound bows.

(31) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas and numbers of participants are determined annually and presented in the deer hunting rule (3 CSR 10-7.435).

(32) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

(33) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

(34) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

(35) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

(36) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) continuous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past. Corporate ownerships do not apply under this definition.

(37) Open season: That time when the pursuing and taking of wildlife is permitted.

(38) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111 or defined in this rule as game fish.

(39) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

(40) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod or fly rod, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing or trotlines or other tackle normally attached in a fixed position.

(41) Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

(42) Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county or municipal funds or labor.

(43) Pursue or pursued: Includes the act of trying to find, to seek or to diligently search for wildlife for the purpose of taking this wildlife.

(44) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. Except as provided in 3 CSR 10-7.435, in the case of corporate ownership, this definition shall apply only to those corporate shareholders who reside on lands held by the corporation.

(45) Sell: To exchange for compensation in any material form and the term shall include offering for sale.

(46) Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater.

(47) Store and storage: Shall also include chilling, freezing and other processing.

(48) Take or taking: Includes killing, trapping, snaring, netting or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting or use of any net, trap, device, contrivance or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

(49) Transport and transportation: All carrying or moving or causing to be carried or moved from one (1) point to another, regardless of distance, vehicle or manner, and includes offering or receiving for transport or transit.

(50) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

(51) Waters of the state: All rivers, streams, lakes and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

(52) Zoo: Any publicly-owned facility, park, building, cage, enclosure or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-II.805. Original rule filed April 30, 2001.

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 John W. Smith, Deputy Director, Department of Conservation, PO 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 100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED AMENDMENT

4 CSR 100-2.060 *[Minimum Capital Requirements and] Delinquent Loan and Extension Agreements Reporting Procedures.* The director of the Division of Credit Unions proposes amending this rule by amending the title and the purpose, deleting current sections (1), (2), (4), and (5), amending and renumbering current section (9), and renumbering current sections (3), (6)–(11).

PURPOSE: This proposed amendment revises approved investment accounting procedures, eliminates a redundant minimum capital requirement, and clarifies requirements for reviewing delinquent loan schedules.

PURPOSE: This rule sets forth [certain minimum capital requirements as a percentage of delinquent loans. It further sets forth] reporting requirements [and provisions] for [write off of] delinquent loans and [defines certain procedures of the director of the Division of Credit Unions regarding waiver actions.] extension agreements and establishes minimum standards for charging off loans.

[(1) Market losses, at the time of sale, on securities or investments should be charged as current operating expenses. However, these losses may be considered contingent losses chargeable to the statutory reserve.

[(2) Prior to the payment of dividends, the statutory reserve fund, the allowance for loan loss and the membership shares, in the aggregate, shall be equal to at least the sum of the amounts resulting from the application of the following percentages to the unpaid balances of the delinquent loans: two to six (2–6) months delinquent—twenty-five percent (25%); six to twelve (6–12) months delinquent—seventy-five percent (75%); and twelve (12) months or more delinquent—one hundred percent (100%). The allowance for loan loss will be increased to meet those percentages by a charge to undivided earnings if the statutory reserve fund, the allowance for loan loss and membership shares are not adequate.]

[(3)] (1) The scheduling or classifying of delinquent loans shall be on the contract basis. This means that the status of the accounts is determined by comparing the amount of money or the number of full payments received against the amount of money or the number of full payments that should have been made in accordance with the contract (note). Delinquencies of a partial month shall be considered a full month when scheduling or classifying delinquent loans.

[(4) In the event the required transfer to the allowance for loan loss exceeds the amount of the undivided earnings before dividends, the full amount of undivided earnings shall be transferred and no dividends can be paid.

[(5) Upon written application by the board of directors to the director of credit unions, the director, considering special circumstances, may waive the full maintenance of the twenty-five/seventy-five/one hundred percent (25/75/100%) of delinquent loans minimum capital requirement for a specific period of time. At his/her sole discretion, the director may appoint an allowance for loan loss waiver request review board to make recommendations to the director regarding the merits of any such waiver request. If appointed, the review board would be composed of representatives from the Division of Credit Unions staff, the appropriate share insurer or guarantor, the Missouri Credit Union League and industry management. The previously mentioned notwithstanding, the director shall not be bound to accept the review board's conclusions.]

[(6)] (2) Each credit union shall maintain a monthly schedule of delinquent loans which shall list in columnar form the account number, name of borrower, date of loan, date of last payment, original amount of loan and outstanding balance of loan at date of schedule and share balance, together with space to note current action or status.

[(7)] (3) The unpaid balances of loans shall be set apart in columns of the schedule of delinquent loans which will indicate the extent of delinquency as determined by the oldest delinquent installment according to note contract, as follows:

(A) Loans on which the oldest delinquent installment is two (2) months, but less than six (6) months, past due;

(B) Loans on which the oldest delinquent installment is six (6) months, but less than twelve (12) months, past due; and

(C) Loans on which the oldest delinquent installment is past due twelve (12) months or more.

[(8)] (4) In determining the oldest delinquent installment, all repayments received are to be considered as applying to installments in the order in which they came due.

[(9)] (5) The schedule of delinquent loans [should] shall be reviewed by the board of directors [monthly. In the event that

it is not reviewed monthly, then it shall be reviewed not less than] at least quarterly [by the board].

[(10)] (6) Loans listed as twelve (12) months or more delinquent and classified Loss on the most recent state examination and are the same at the next annual examination or supervisory contact (which shall be not less than one hundred fifty (150) days from the day of the previous examination), with no change in circumstances (change in circumstances shall be defined as receiving a minimum of twenty-five percent (25%) of scheduled monthly payments for the period), will be charged to the allowance for loan loss at that time. If the allowance for loan loss is insufficient, sufficient amounts will be charged to the provision for loan loss expense for that requirement. Upon written application by the board of directors, the director of credit unions, considering special circumstances, may waive this requirement.

[(11)] (7) The proper control of extension agreements is of considerable significance and is singled out for special attention. Extension agreements, by their very nature, may lend themselves to misuse and should be monitored carefully by the board of directors at least quarterly.

AUTHORITY: section 370.100, RSMo [1986] 2000. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. Amended: Filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed June 8, 1976, effective Sept. 11, 1976. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Amended: Filed Jan. 6, 1986, effective April 25, 1986. Amended: Filed April 18, 2001.

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 Credit Unions, John P. Smith, Director, PO Box 1607, 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 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.100 Code. This proposal amends the following sections of this rule: section (1) and adds a new section (2).

PURPOSE: This rule established the code for new manufactured homes and is amended to incorporate by reference the federal standards for manufactured housing codes and to establish set up and installation requirements for new manufactured homes.

(1) The federal standards [set out] as incorporated by reference in 24 CFR Part 3280 constitute the code to be applied to new manufactured homes which entered the first stage of production after November 22, 1976 which are rented, leased or sold or offered for rent, lease or sale in this state.

(2) All new manufactured homes shall be set up or installed according to the manufacturer's installation instructions.

AUTHORITY: section 700.010, RSMo [1986] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed April 26, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less 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, PO 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. No public hearing is scheduled.

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

PROPOSED AMENDMENT

4 CSR 240-121.010 Definitions. This proposal amends the following sections of this rule: section (1) subsection (C), (D), and (E).

PURPOSE: This rule defines the terms used in this chapter and is amended to reflect the deregulation of recreational vehicles and exhibit the correct reference to manufactured homes.

(1) The following definitions, as well as those set out in section 700.010, RSMo apply to this chapter:

(C) Director means the director of the *[Division of Mobile Homes, Recreational Vehicles and Modular Units] Manufactured Housing and Modular Units Program* of the Public Service Commission and persons working under his/her supervision;

(D) Insignia means the device *[which]* that in other states is affixed to a *[mobile] manufactured* home to evidence compliance with state prescribed manufacturing and safety standards;

(E) Pre-owned *[mobile] manufactured* home means a *[mobile] manufactured* home which has been sold at retail or rented, leased or occupied either as a dwelling or a place of business;

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less 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, PO 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. No public hearing is scheduled.

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

PROPOSED AMENDMENT

4 CSR 240-121.020 Administration and Enforcement. This proposal amends the following section of this rule: section (1).

PURPOSE: This rule is amended to reflect the correct reference to pre-owned manufactured homes.

(1) The commission's powers and responsibilities under Chapter 700, RSMo with respect to pre-owned *[mobile] manufactured* homes, except the power to revoke, deny, refuse to renew or place on probation a registration under section 700.090, RSMo are delegated to the director.

AUTHORITY: section 700.040, RSMo [1986] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less 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, PO 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. No public hearing is scheduled.

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

PROPOSED AMENDMENT

4 CSR 240-121.040 Inspection of Dealer Books, Records, Inventory and Premises. This proposal amends the following sections of this rule: section (1).

PURPOSE: This amendment establishes the requirements for dealer record inspections and is amended to exhibit the correct reference to manufactured homes.

(1) The books, records, inventory and premises of a dealer, from time-to-time during normal business hours, shall be subject to an inspection by the director to ascertain if the dealer is complying with this chapter and Chapter 700, RSMo as it relates to pre-owned *[mobile] manufactured* homes and also to ascertain if grounds exist under section 700.100, RSMo to reject an application for registration filed under section 700.090, RSMo or to refuse to renew or to suspend, revoke or place on probation a registration which has been made under section 700.090, RSMo.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less 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, PO 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*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

4 CSR 240-121.050 Inspection of [Preowned Mobile] Pre-Owned Manufactured Homes Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers. This proposal amends the following sections of this rule: the title; original Purpose; sections (1) and (2).

PURPOSE: This rule establishes the requirements for pre-owned manufactured home inspections and is amended to exhibit the correct reference to manufactured homes.

PURPOSE: This rule sets forth the extent to which [preowned mobile] pre-owned manufactured homes rented, leased, sold or offered for rent, lease or sale by persons other than dealers are subject to inspection by the director.

(1) In order to determine if pre-owned [mobile] manufactured homes which are rented, leased, sold, or offered for rent, lease or sale in this state by persons other than dealers comply with the code, these pre-owned [mobile] manufactured homes are subject to periodic inspection by the director.

(2) Inspections under this rule shall be conducted during normal business hours and upon twenty-four (24) hours' written notice to the occupants, if any, of the pre-owned [mobile] manufactured home to be inspected. Upon the director's request, the owner of a pre-owned [mobile] manufactured home to be inspected shall furnish the name and address of the occupants of the [preowned mobile] home.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less 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, PO 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*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

4 CSR 240-121.060 Complaints and Review of Director Action. This proposal amends the following sections of this rule: sections (1) and (2).

PURPOSE: This rule establishes the procedures in which complaints may be filed and is amended to exhibit the correct reference to manufactured homes.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo as it relates to pre-owned [mobile] manufactured homes, may file a formal or informal complaint with the commission under 4 CSR 240-2.070.

(2) Commission review of the decisions, directives and interpretations of the director which relate to the code, this chapter or Chapter 700, RSMo as it relates to pre-owned [mobile] manufactured homes, may be obtained by filing a written informal or formal complaint under 4 CSR 240-2.070. In such a complaint, the director shall be denominated as the respondent.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less 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, PO 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*. No public hearing is scheduled.

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

PROPOSED RULE

4 CSR 240-121.090 Proper and Initial Setup of Pre-Owned Manufactured Homes

PURPOSE: This rule pertains to the requirements for the installation and setup of pre-owned manufactured homes.

(1) All pre-owned manufactured homes manufactured after January 1, 1974, shall be set up according to the manufacturer's setup and installation manual. If a manufacturer's installation manual is not available, a pre-owned manufactured home shall be set up according to the 1994 American National Standard Institute *Manufactured Home Installations Manual*, (ANSI A225.1-1994).

AUTHORITY: section 700.100, RSMo 2000. Original rule filed April 26, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less 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 Public Service Commission, Dale Hardy Roberts, Secretary, PO 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*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 3—Well Construction Code**

PROPOSED AMENDMENT

10 CSR 23-3.100 Sensitive Areas. The division is amending section (4) and adding new sections (5) and (6).

PURPOSE: This amendment establishes a new special area with respect to drilling and construction of water wells. The new special area has been designated on the basis of either naturally occurring water-quality issues caused by unique groundwater chemistry or man-induced alteration of groundwater chemistry. This rule further defines the procedures that are presently allowed under Missouri Well Construction Code 10 CSR 23-3.100(3).

(4) Special Area 1. Due to the unique and varied geological conditions present because the bedrock is deeply weathered and often highly fractured, openings filled with mud may extend deep into the bedrock. Caving-in of the hole during drilling and after well construction is a problem. The following rules are the minimum that are required but in many cases much more steel casing may be necessary to secure the well bore. Also, in some cases plastic liner is not strong enough to hold the well bore open and steel should be used. All persons engaged in drilling of a domestic well in [the] special area 1 (see Figure 1 and Figure 7 included herein) shall—

(5) Special Area 2 Definitions.

(A) “Lower aquifer” means that portion of transmissive, water-bearing geologic material extending from the Cotter Dolomite to igneous bedrock. The lower aquifer includes all formations constituting the Ozark Aquifer and the St. Francois Aquifer in the southwestern portion of the state.

(B) “Low-permeability” bedrock means that portion of geologic material between the lower aquifer and upper aquifer that does not readily transmit water in sufficient quantities to supply a well. The Northview Formation, the Chattanooga Shale, and the upper thirty feet (30') of the Cotter Dolomite shall constitute the low-permeability bedrock. The low-permeability bedrock serves as a natural barrier to groundwater mixing between the upper aquifer and lower aquifer. See Figure 7A included herein for an illustration of geology in Special Area 2.

(C) “Upper aquifer” means that portion of the transmissive, water-bearing geologic material above the top of the low-permeability bedrock. The upper aquifer includes all formations constituting the Springfield Plateau Aquifer in the southwestern portion of the state.

(D) “Maximum contaminant level (MCL)” is the maximum permissible concentration of a constituent in drinking water as listed by EPA drinking water standards.

(E) “Action level (AL)” is the maximum permissible concentration of lead in drinking water as specified in the *Code of*

Federal Regulations. ALs are levels used for constituents that do not have established MCLs.

(F) “TCE” is the organic chemical trichloroethylene, a common solvent. Degradation of TCE produces dichloroethylene and vinyl chloride.

(G) “Impact area” is defined as that land surface area that is underlain or surrounded by water-bearing units that contain groundwater above the MCL or AL for at least one (1) constituent of concern (lead, cadmium, TCE or TCE degradation products, or other constituents of the Primary Drinking Water Regulations) and considers the potential for contaminant migration.

(6) Special Area 2. All of Newton County and Jasper County shall be listed as Special Area 2 (Figure 7B included herein) due to the contamination of portions of the upper aquifer by one (1) or more of the following: lead, cadmium, TCE, TCE degradation products or other constituents of the Primary Drinking Water Regulations. The upper aquifer and lower aquifer are separated by a thickness of low-permeability bedrock (Figure 7A). This low-permeability bedrock limits migration of groundwater and any associated contamination from the upper aquifer to the lower aquifer. Wells that penetrate the low-permeability bedrock without an adequate length of surface casing which has had the annulus sealed by approved methods through the low-permeability bedrock may place the lower aquifer at risk to future contamination. Due to chemical and metal contamination present in the upper aquifer in portions of this area, it is necessary to require more stringent well construction standards for new wells that are drilled into the lower aquifer, to cease construction of additional upper aquifer wells in impact areas, and to limit deepening of existing upper aquifer wells in impact areas. New wells constructed outside of the impact area shall be constructed to standards that are no less stringent than the minimum well construction requirements for Area 1. All persons engaged in drilling wells in Special Area 2 shall—

(A) Before beginning construction of the well, determine if the well to be drilled is located within the impact area as shown on maps provided by The Division of Geology and Land Survey (DGLS) or as determined by DGLS staff. If data indicate change in impact area status, the impact area map may be modified by DGLS during January of the calendar year and that map will be maintained and available at: Division of Geology and Land Survey, PO Box 250, Rolla MO 65402-0250.

(B) Drill new wells within the impact area to a depth required to produce water from the lower aquifer. All new wells drilled in the impact area shall have steel or plastic casing properly installed and grouted to the depth determined by the Special Area 2 casing depth map.

1. The drill hole shall be a minimum of eight and five-eighths inches (8 5/8") in diameter to the surface casing point;

2. New steel casing shall be installed as specified in 10 CSR 23-3.030 (steel);

3. The well must be sealed by positive displacement grouting with high-solids bentonite slurry. The annulus between the casing and the borehole wall shall be grouted from the base of the borehole. The volume of grout shall be no less than the calculated volume necessary to accomplish full-length grouting of the annulus. Alternatively, full-length pressure grouting (10 CSR 23-3.030(3)(A)4.) with high-solids bentonite slurry or neat cement meets the requirements of this rule. In addition, casing must be sealed as follows:

A. When steel casing is used, a drive shoe is required except on wells where the grout is allowed to cure as specified in subparagraph (6)(B)3.C. of this rule before drilling resumes;

B. If plastic casing is used, a drill hole shall be constructed a minimum of ten inches (10") in diameter to the

casing point. Plastic casing shall be installed as specified in 10 CSR 23-3.070 (plastic) and, a packer, coupling, or inverted bell is required to be secured near the bottom of the casing and must hold the grout in place while drilling continues. PVC and ABS plastic casing shall not be used when known gasoline or solvent contamination exists within the impact area. The annular space shall be sealed as specified in paragraph (6)(B)3. of this rule. No packer, coupling, or inverted bell is required on wells where the grout is allowed to cure as specified in subparagraph (6)(B)3.C. of this rule before drilling resumes; and

C. The following times must be allowed for curing grout when no packer is used:

(I) High-solids bentonite slurry—varies based on additives and manufacturer's specifications. At least one hour of curing after initial slurry placement is suggested. This amount of curing time should elapse during casing placement.

(C) Uncontaminated upper aquifer wells in impact areas of Special Area 2 existing before the date of this rule may be deepened to the top of the low-permeability bedrock.

(D) Water from all new wells and deepened old wells throughout Special Area 2 shall be sampled and analyzed for lead and cadmium, plus TCE and its degradation products within TCE impact areas, or other constituents of the Primary Drinking Water Regulations. Sampling for other constituents of the Primary Drinking Water Regulations from wells located outside of known impact areas is voluntary. Qualified and properly trained persons must complete sample collection. The laboratory that analyzes the sample must be approved by the EPA for such analysis. A copy of the chain of custody form shall be submitted to the division with the well certification report form to document sampling has occurred. An appropriate chain of custody form will be available from DGLS.

1. In order to ensure proper well development, the well pump must run continuously for five (5) hours or until the water clears, whichever occurs first, but in no case shall the well be pumped less than two (2) continuous hours.

2. After proper well development, water samples shall be collected from the tap nearest the well.

3. All new and deepened old wells in Special Area 2 shall be constructed with a sampling port or tap within ten feet (10') of the wellhead. Water must be purged from the sampling port prior to collection of a sample.

4. Water from all new wells in Special Area 2 with less than three (3) times the applicable maximum contaminant level (MCL) or action level (AL) may be retested over a one (1)-month period following pump installation and development to assess water quality changes that may have resulted from drilling and/or well construction. The well cannot be used for human consumption until contaminant levels are below MCLs/ALs. Qualified and properly trained persons must complete sample collection. The laboratory that analyzes the sample must be approved by the EPA for such analysis. A copy of the chain of custody form shall be submitted to the division with the well certification report form to document sampling has occurred. An appropriate chain of custody form will be available from DGLS. New wells which do not attain contaminant levels below MCLs/ALs shall be plugged after the retest period.

5. Properly constructed new lower aquifer wells that are determined to be contaminated may be allowed to use water treatment systems on a variance basis, if other domestic water sources are not available at the time of well construction. Otherwise, the well must be plugged by using full-length, high-solids bentonite grout emplaced by tremie pipe which extends to within twenty-five feet (25') of the bottom of the borehole. Grout, extending from the bottom of the borehole to within two feet (2') of land surface and finished per 10 CSR 23-3.110

(2)(A)3.G., is preferred; in any case, the minimum volume of grout shall be no less than the volume calculated as necessary to accomplish full length plugging of the well.

6. Existing wells that extend uncased and/or unsealed through the low-permeability bedrock and that are found to be contaminated with lead, or cadmium, or TCE, TCE degradation products, or other constituents of the Primary Drinking Water Regulations shall be plugged full-length with high-solids bentonite grout, emplaced by tremie pipe, which extends to within twenty-five feet (25') of the bottom of the borehole. Grout, extending from the bottom of the borehole to within two feet (2') of land surface and finished per 10 CSR 23-3.110(2)(A)3.G., is preferred; in any case, the minimum volume of grout shall be no less than the volume calculated as necessary to accomplish full length plugging of the well.

Special Area 1

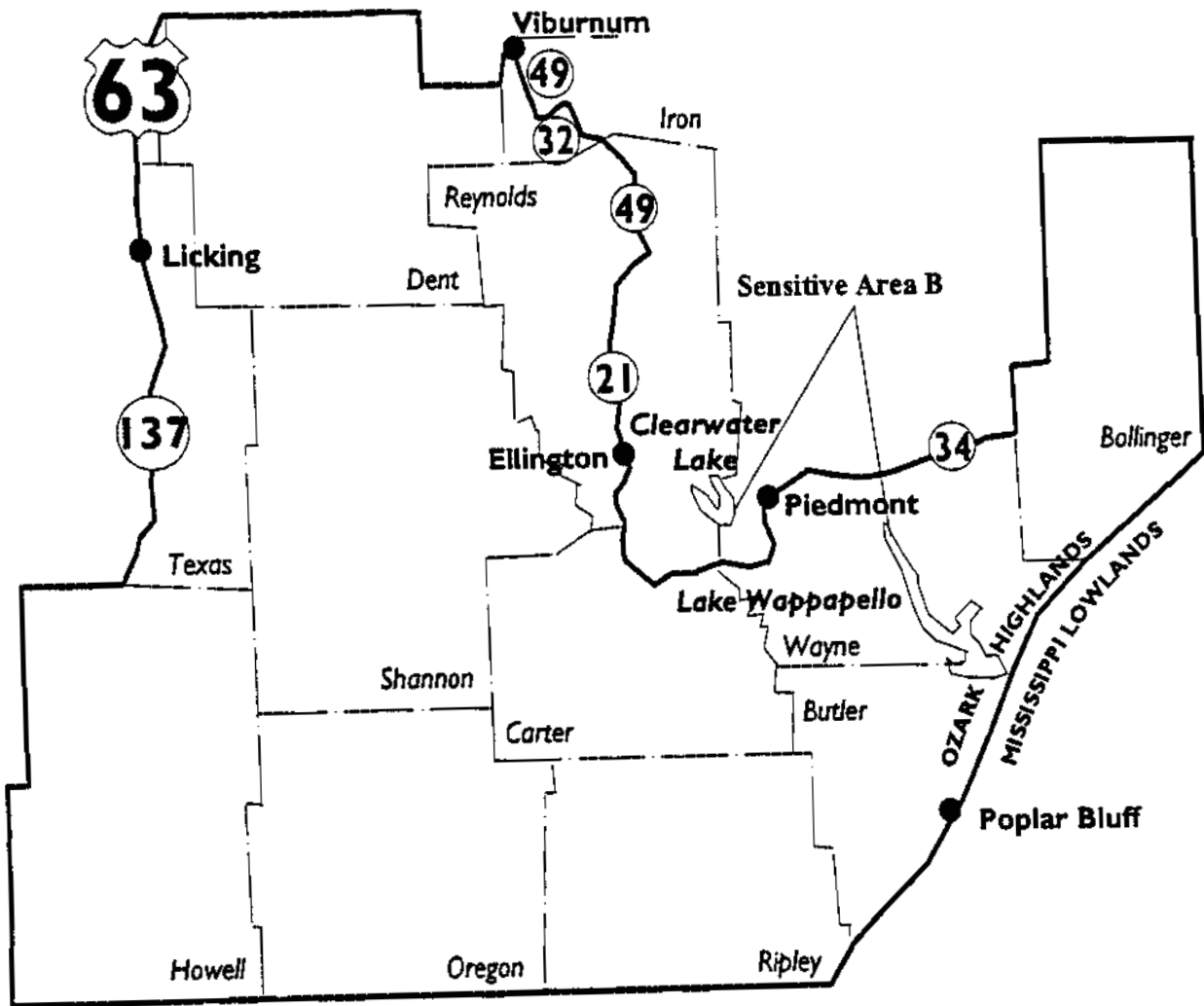


Figure 7. Enlargement of Special Area 1 and part of Sensitive Area B map.

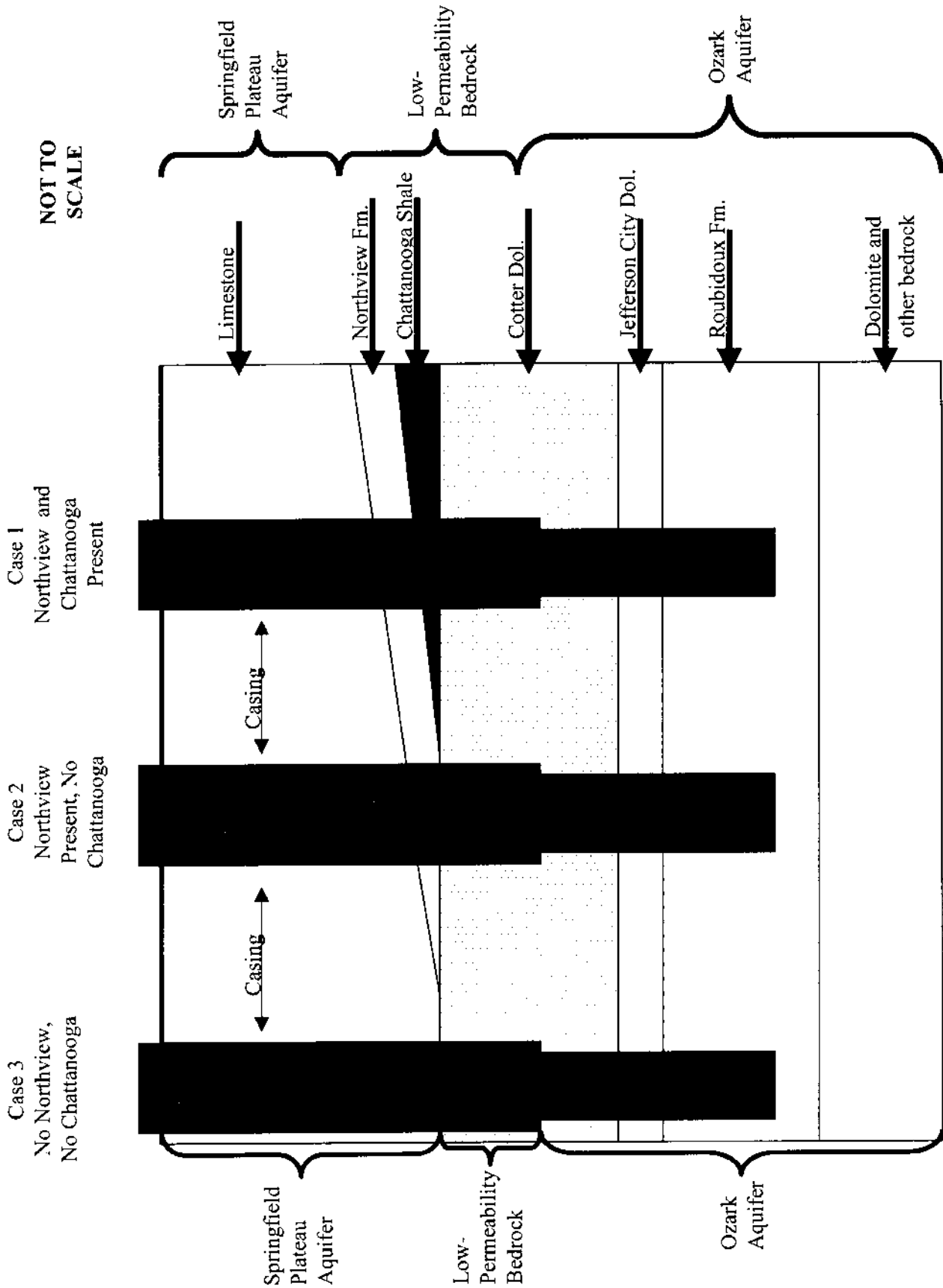


Figure 7 A. Special Area 2 Geology and Well Casing

Missouri Well Construction Rules (5-01)

Area 1, Special Area 2, and Sensitive Areas A, B, and C

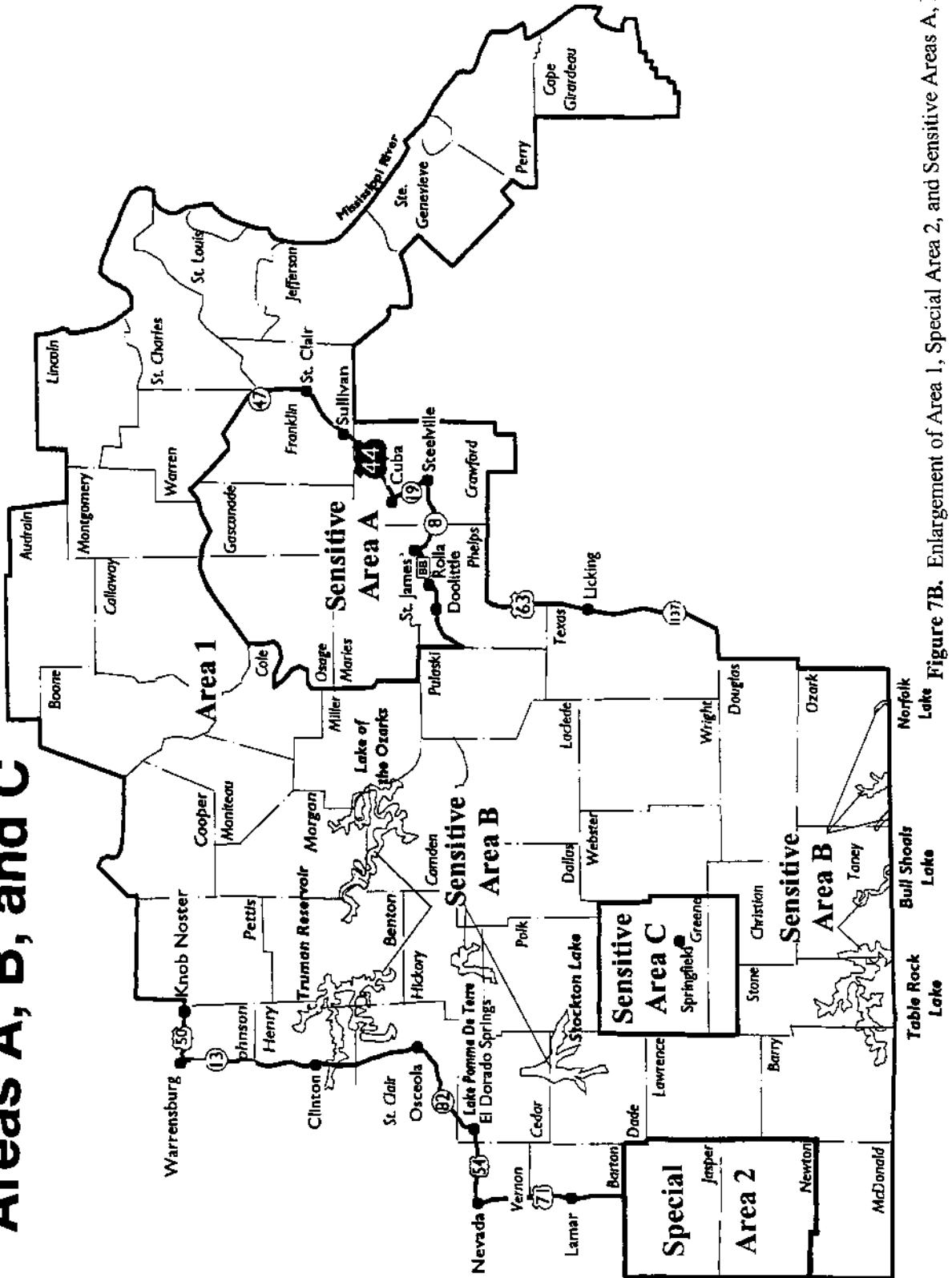


Figure 7B. Enlargement of Area 1, Special Area 2, and Sensitive Areas A, B, and C map.

AUTHORITY: sections 256.606 and 256.626, RSMo [1994] 2000. Original rule filed April 2, 1987, effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed July 13, 1994, effective Jan. 29, 1995. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed April 23, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities \$217,500 during FY02 and \$435,000 yearly thereafter for the life of the rule. See attached fiscal note.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Division of Geology and Land Survey, PO Box 250, Rolla, MO 65402-0250, Attention Mr. Bob Archer. If hand delivered, comments must be brought to the offices of the Department of Natural Resources, Division of Geology and Land Survey, 111 Fairgrounds Road, Rolla, Missouri. To be considered, comments must be received by close of business on July 9, 2001. A public hearing is scheduled for July 9, 2001, at 10:00 a.m. in the Council of Chambers, Joplin City Hall, 303 East Third, Joplin, Missouri.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 – Department of Natural Resources
 Division: 23 – Division of Geology and Land Survey
 Chapter: 3 – Well Construction Code
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 10 CSR 23-3-100 – Sensitive Areas

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: |
|--|--|--|
| 75 | Private Landowners | \$435,000 |

III. WORKSHEET

- Estimated number of wells drilled in the Newton and Jasper County contaminated zone for private landowners.
- Average cost of shallow well (prior to proposed amendment) \$3,069.00. Average cost of deep well (after proposed amendment is effective) - \$8,870.00. Difference of \$5,800.00 per well. Aggregate cost = 75 wells times \$5,800/well=\$435,000.

Well Construction Parameters and Local Geology

| | Average Total Depth | Average Casing Length | Number of Domestic Wells (12 yrs) |
|-------------------------|---------------------|-----------------------|-----------------------------------|
| Jasper | 305' | 92' | 1391 |
| Newton | 382' | 102' | 2361 |
| Average (Both Counties) | 344' | 97' | -- |

| Average Depth To: | Northview Formation | Chattanooga Shale | Cotter Dolomite | Number of Public Wells in Survey |
|-------------------|---------------------|-------------------|-----------------|----------------------------------|
| Jasper | 365' | ---- | 383' | 30 |
| Newton | 312' | 334' | 337' | 49 |

III. WORKSHEET

Estimated "Average" Well Construction Cost

Shallow Well

| | |
|---------------------------|-----|
| total well depth (feet) | 344 |
| total casing depth (feet) | 97 |
| seal footage | 30 |

| description | unit cost | cost |
|---|-------------|------------------|
| miscellaneous fees, etc | \$110.00 | \$110.00 |
| drill 97 feet at 8 5/8 inches | \$8.20/foot | \$795.40 |
| install 98 feet casing (1 foot stickup) | \$7.00/foot | \$686.00 |
| seal 30 feet | \$4.00/foot | \$120.00 |
| drill 247 feet at 6 inches | \$5.50/foot | \$1358.50 |
| | | <u>\$3069.90</u> |

Deep Well

| | |
|---------------------------|-----|
| total well depth (feet) | 600 |
| total casing depth (feet) | 398 |
| seal footage | 398 |

| description | unit cost | cost |
|--|-------------|------------------|
| miscellaneous fees, etc | \$110.00 | \$110.00 |
| drill 398 feet at 8 5/8 inches | \$8.20/foot | \$3263.60 |
| install 399 feet casing (1 foot stickup) | \$7.00/foot | \$2793.00 |
| seal 398 feet | \$4.00/foot | \$1592.00 |
| drill 202 feet at 6 inches | \$5.50/foot | \$1111.00 |
| | | <u>\$8869.60</u> |

**COST
 DIFFERENCE**

\$5799.70

Estimate of Impact Area Wells to be Constructed

| Total Wells In Two Counties | Estimated Impact Area Percentage | Years of Record | Percentage of New Single Family Wells | Estimated Number of Impact Area Wells Per Year |
|-----------------------------------|-------------------------------------|--------------------|---|--|
| (a) | (b) | (c) | (d) | |
| 1391 | 18 | 12 | 70 | 15 |
| 2361 | 43 | 12 | 70 | $a*b/c*d=$ 60 |
| | | | | Total 75 |

IV. ASSUMPTIONS

1. The rule is assumed to be in effect in perpetuity or until impacted groundwater is remediated. The annualized cost does not take into account inflationary factors or other financial impacts, which are unknown in perpetuity.
2. The new rule is expected to be effective Jan 1, 2002. The cost for the first full fiscal year is assumed to be the same as other years.
3. It is assumed that the size of the regulated community will remain constant. The number of new wells to be subject to this amendment is based on an average of the number of well certification records over the past twelve (12) years for the impacted portions of the two counties.
4. This cost assumes that not all new wells in an impact area will be completed as single family wells. Some property owners will hook-up to existing public utilities (5%), others will use multi-family wells (15%), or large subdivisions will supply water to residences (10%).
5. This cost assumes there will be no new or sudden changes in technology, which would influence cost. Current technology can allow a substantial decrease in cost should more than estimated multiple service connections be used to supply more than one family per well.
6. The estimate of drilling cost is assumed to be the average prevailing well construction rate at the date of drafting the amendment. Currently (January 2001), a 344-foot well should cost approximately \$3,069 and a 600-foot well cased into the low-permeability units between the upper aquifer and lower aquifer should cost approximately \$8,870.
7. This cost assumes that the areal extent of impact is accurate and will not substantially increase or decrease.
8. This cost does not take into account the interest saving available from using State Revolving Fund low-interest loans, state grants, and potential EPA loans or grants.
9. This cost does not take into account the expansion of existing public water districts or the establishment of new public water districts.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment. The division is amending subsection (1)(H).

PURPOSE: The purpose of this amendment is to take exceptions to the referenced Codes or provide alternatives and to ensure that all elevators and similar equipment regulated under the Missouri Elevator Safety Act in Missouri obtain safety inspections this year. It has been noted that some areas of the referenced Codes are too restrictive or may not be feasible to implement or may be unreasonable for certain types of installations.

(1) The following standards apply to all existing elevator equipment installed prior to the effective date of these rules and regulations as provided in 11 CSR 40-5.060. Any installation which is in compliance with the latest ASME A17.1 version adopted and amended by the Elevator Safety Board, unless as exempted by 701.359, RSMo shall be considered to be in compliance with 11 CSR 40-5.065. The foregoing standards are incorporated by reference in this rule.

(H) Machine Rooms.

1. All means of access to elevator machine rooms shall be of a permanent nature and shall be constructed and maintained in a clear and unobstructed manner.

2. The elevator machine and control equipment shall be located in a separate room or separated [from other] space designed as an elevator machine room or space and shall be accessible only to authorized personnel. Existing machines and equipment [by a substantial grill of not less than six feet (6') high.] essential to the operation and purpose of the building are permitted but must not interfere with the safety and work area for maintaining elevator equipment. Where other existing machines and equipment essential to the operation and purpose of the building are located in the machine room or space, the elevator related equipment and machines shall be separated by a substantial grill constructed of non-combustible material not less than six feet (6') high and [T]the grill shall be of a design that will reject a ball two inches (2") in diameter. All rooms or enclosures shall have a self-closing and self-locking door and shall be operable from the interior space without use of a key. After the effective date of this rule, no equipment shall be added to the machine room or space that is not used in connection with the operation of the elevator.

3. All elevator machine rooms shall be provided with a floor. The floor shall cover the entire area of the machine room and hoistway.

4. Machine room floors shall be kept clean and free of grease and oil. Articles or materials not necessary for the maintenance or operation of the elevator shall not be stored therein. Flammable liquids having a flash point of less than one hundred ten degrees Fahrenheit (110°F) shall not be stored in the machine room.

5. Lighting in the machine room shall be not less than ten (10) foot-candles at floor level.

6. Where there is more than one machine in a room, each machine shall have a different number conspicuously marked on it. The controller, disconnect switch and relay panels for each machine shall be conspicuously numbered to correspond to the machine it controls.

7. All electrical equipment in the machine room shall be grounded which shall conform to ASME A17.1 and NFPA 70 (NEC).

8. All electrical wiring in the machine room and hoistway shall be enclosed in metal conduit, flexible conduit or metal raceways.

9. Each elevator having polyphase alternating current power supply shall be provided with means to prevent the starting of the elevator motor if:

A. The phase rotation is in the wrong direction; or

B. There is a failure of any phase. This protection shall be considered provided in the case generator-field control having alternating current motor-generator driving motors, provided a reversal of phase will not cause the elevator driving-machine motor to operate in the wrong direction. Controllers whose switches are operated by polyphase torque motors provide inherent protection against phase reversal or failure.

AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Emergency amendment filed April 30, 2001, effective May 10, 2001, expires Nov. 5, 2001. Amended: Filed April 30, 2001.

PUBLIC COST: This 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 Division of Fire Safety, William Farr, State Fire Marshal, PO Box 844, 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 10—Fees**

PROPOSED RULE

13 CSR 30-10.010 Annual Fee

PURPOSE: The purpose of this rule is to define how the Division of Child Support Enforcement will collect an annual processing fee against persons who receive support payments that are processed by the Family Support Payment Center.

(1) Definitions. For the purposes of this rule, the following definitions are applicable:

(A) Division means the Division of Child Support Enforcement.

(B) Payment Center means Family Support Payment Center.

(C) TANF means Temporary Assistance for Needy Families.

(D) Case means a family, as used in section 454.425, RSMo 2000, associated with a particular support order(s). A case includes a collection of people, generally, a custodian, and dependent(s) associated with a specific noncustodial parent.

(E) IV-D means part IV-D of the Social Security Act.

(F) Support means any financial support, which is due for the support or maintenance of a child or the custodian of a child or a spouse or ex-spouse based upon a judicial or administrative order.

(2) Annual Fees. The division will collect an annual processing fee of ten dollars (\$10) on each case in which payments are being received by and processed through the Payment Center for all or any part of a calendar year except as provided for in this subsection.

(A) The person obligated to pay support will receive credit against such person's support obligation for the entire payment

received by the Payment Center. The fee will be collected from the person entitled to receive support.

(B) Prior to disbursement to the person entitled to receive support, the fee will be collected from the first support payment processed by the Payment Center for each calendar year. If the first support payment processed by the Payment Center does not satisfy the annual fee, the balance remains due and will be collected from subsequent support payments received for that year until the entire fee is satisfied. If the fee is not satisfied by the end of a calendar year, the fee for that year will not accrue into the next calendar year. If a payment or part of a payment is applied to support due for a past or future year, a fee will be collected for the year the payment is applied.

(C) No fee will be collected from payments on a case in which a child for whom support is being received on that case is currently receiving TANF or Medicaid on that case.

(D) No fee will be collected from support payments assigned to the state of Missouri. If another state or territory timely and properly notifies the division of an assignment, no fee will be collected from support payments assigned to the state or territory.

(E) If a monthly fee is first collected from payments received on a case, an annual fee will not be collected in the same month from payments received on that case.

AUTHORITY: section 454.400.2(5), RSMo 2000. Original rule filed April 26, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions \$440,125.

PRIVATE COST: This proposed rule is estimated to cost private entities \$795,180 per year.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Child Support Enforcement, Gary Bailey, Director, Division of Child Support Enforcement, 3418 Knipp Drive, Suite F, Jefferson City, MO 65109. 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: 13 Department of Social Services

Division: 30 – Child Support Enforcement

Chapter: 10-010 Annual Fee

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 30-10.010 Annual Fee

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate | | |
|--|---|------------------|------------------|
| | Fiscal Year 2001 | Fiscal Year 2002 | Fiscal Year 2003 |
| Division of Child Support Enforcement | | | |
| Total fees collected | | \$795,180 | \$795,180 |
| Mailing of required notices | | (\$66,500) | |
| Required changes to Missouri Automated Child Support System to meet business needs | (\$67,100) | (\$306,525) | N/A |
| IV-D program revenue generated | (\$67,100) | \$422,155 | \$795,180 |

III. WORKSHEET

Annual Fees

| Projected Eligible Cases Per Year | Fees Collected Annually | Fiscal Year 2002 (Nine Months) | Fiscal Year 2003 (Full Year) |
|-----------------------------------|-------------------------|--------------------------------|------------------------------|
| 79,518 | \$795,180 | \$795,180 | \$795,180 |

Mailings 350,000 Notices @
 \$0.38 / notice @
 50% = \$66,500

IV. ASSUMPTIONS

1. Associated costs are reported at 50% of actual cost. Due to the simultaneous establishment of a monthly fee and an annual fee assessment and collection process, each fee type will be assessed one-half of the start up costs.
2. Annual fees are collected at the case level.
3. Cost of mailings include bulk-rate postage and paper supplies.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 13 Department of Social Services

Division: 30 – Child Support Enforcement

Chapter: 10-010 Annual Fee

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 30-10.010 Annual 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 compliance with the rule by the affected entities |
|--|--|---|
| 79,518 | Custodial Parents | \$795,180 |

III. WORKSHEET**Annual Fees**

| Projected Eligible Cases Per Year | Fees Collected Annually |
|--------------------------------------|----------------------------|
| 79,518 | \$795,180 |

IV. ASSUMPTIONS

1. Annual fees are collected at the case level.
2. Estimate in the aggregate is presented as the annual total for all custodial parents affected. The life of the rule is without end.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 10—Fees

PROPOSED RULE

13 CSR 30-10.020 Monthly Fee

PURPOSE: The purpose of this rule is to define how the Division of Child Support Enforcement will collect a monthly service fee against persons who receive support payments and services from the division.

(1) Definitions. For the purposes of this rule, the following definitions are applicable:

(A) Division means the Division of Child Support Enforcement.

(B) Payment Center means Family Support Payment Center.

(C) TANF means Temporary Assistance for Needy Families.

(D) Case means a family, as used in section 454.425, RSMo 2000, associated with a particular support order(s). A case includes a collection of people, generally, a custodian, and dependent(s) associated with a specific noncustodial parent.

(E) IV-D means part IV-D of the Social Security Act.

(F) Support means any financial support, which is due for the support or maintenance of a child or the custodian of a child or a spouse or ex-spouse based upon a judicial or administrative order.

(2) Monthly Fees. The division will collect a monthly service fee in the amount of fifteen dollars (\$15) on each IV-D case in which payments are being processed. If the person entitled to receive support has more than one IV-D case, a fee will be collected from payments processed on each IV-D case.

(A) The person obligated to pay support will receive credit against his or her support obligation for the entire payment processed by the Payment Center or the state. The fee will be collected from the person entitled to receive support if that person requested IV-D services.

(B) Prior to disbursement to the person entitled to receive support, the fee will be collected from the first support payment processed by the Payment Center or the state for each month. If the first support payment processed by the Payment Center or the state does not satisfy the monthly fee, the balance remains due, and will be collected from subsequent support payments received for that month until the entire fee is satisfied. If the fee is not satisfied by the end of the month, the fee for that month will not accrue into the next month. If the payment or part of a payment is applied to support due for a past or future month, a fee will be collected for the month the payment is applied.

(C) No fee will be collected from a IV-D case in which a child for whom support is being received on that case is currently or has previously received TANF on that case or is currently receiving Medicaid on that case.

(D) No fee will be collected from support payments assigned to the state of Missouri. If another state or territory timely and properly notifies the division of an assignment, no fee will be collected from support payments assigned to the state or territory.

(E) If an annual fee is first collected from payments received on a case, a monthly fee will not be collected in the same month from payments received on that case.

AUTHORITY: section 454.400.2(5), RSMo 2000. Original rule filed April 26, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions \$440,125.

PRIVATE COST: This proposed rule is estimated to cost private entities \$6,698,340 per year.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Child Support Enforcement, Gary Bailey, Director, Division of Child Support Enforcement, 3418 Knipp Drive, Suite F, Jefferson City, MO 65109. 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: 13 Department of Social Services

Division: 30 – Child Support Enforcement

Chapter: 10-020 Monthly Fee

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 30-10.020 Monthly Fee

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate | | |
|--|---|------------------|------------------|
| | Fiscal Year 2001 | Fiscal Year 2002 | Fiscal Year 2003 |
| Division of Child Support Enforcement | | | |
| Total fees collected | | \$5,023,755 | \$6,698,340 |
| Mailing of required notices | | (\$66,500) | |
| Required changes to Missouri Automated Child Support System to meet business needs | (\$67,100) | (\$306,525) | N/A |
| IV-D program revenue generated | (\$67,100) | \$4,650,730 | \$6,698,340 |

III. WORKSHEET

Monthly Fees

| Projected Eligible Cases Per Month | Fees Collected Monthly | Fiscal Year 2002 (Nine Months) | Fiscal Year 2003 (Full Year) |
|------------------------------------|------------------------|--------------------------------|------------------------------|
| 37,213 | \$558,195 | \$5,023,755 | \$6,698,340 |

Mailings 350,000 Notices @
\$0.38 / notice @
50% = \$66,500

IV. ASSUMPTIONS

1. Associated costs are reported at 50% of actual cost. Due to the simultaneous establishment of a monthly fee and an annual fee assessment and collection process, each fee type will be assessed one-half of the start up costs.

1. Monthly fees are collected at the case level.
3. Cost of mailings include bulk-rate postage and paper supplies.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 13 Department of Social Services

Division: 30 - Child Support Enforcement

Chapter: 10-020 Monthly Fee

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 30-10.020 Monthly 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 compliance with the rule by the affected entities |
|--|--|---|
| 37,213 | Custodial Parents | \$6,698,340 |

III. WORKSHEET

Monthly Fees

| Projected Eligible Cases Per Month | Fees Collected Annually |
|------------------------------------|-------------------------|
| 37,213 | \$6,698,340 |

IV. ASSUMPTIONS

1. Monthly fees are collected at the case level.
2. Estimate of the number of entities by class is presented as the monthly average of all custodial parents affected. The life of the rule is without end.
3. Estimate in the aggregate is presented as the annual total for all custodial parents affected. The life of the rule is without end.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

13 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators. The board proposes to amend sections (1) and (2) and add section (4).

PURPOSE: The purpose of this amendment is to revise the minimum requirements for licensure as a nursing home administrator.

(1) Every applicant shall obtain an application form, **included herein**, from the board. The application shall be completed and returned to the board with a nonrefundable application fee.

(2) The completed application form shall provide satisfactory proof *[of]* **that the applicant has met** the following minimum requirements for Missouri licensure:

(A) *[That the applicant is t/T*twenty-one (21) years of age or over;

(B) *[That the applicant has completed a/A* high school diploma or equivalent;

(C) *[That the applicant has] Of* good moral character;

(D) *[That the applicant h/H*as not been convicted of any crime, an essential element of which is fraud, dishonesty or moral turpitude, or which involves the operation of a long-term care facility or other health-care facility, whether or not sentence is imposed. A copy of the record of conviction or plea of guilty or nolo contendere shall be conclusive evidence of the conviction; and

(E) *[That the applicant has—] Experience and/or education from an accredited educational institution in one (1) of the following areas:*

1. **Experience:** A minimum of three (3) years of experience in health-care administration, **full-time equivalency; or**

2. *[Two (2) years of postsecondary education in health-care administration;]* **Education:**

A. Associate degree in health-care administration, including a minimum of twenty-one (21) semester hours of course work directly in health-care administration; or

B. Baccalaureate degree (Bachelor of Science or Bachelor of Arts) in one (1) of the following areas:

(I) Health-care administration;

(II) Gerontology (including a long-term care practicum, internship, or both);

(III) Nursing (BSN or diploma nurse); or

C. Master's degree or beyond in one (1) of the following areas:

(I) Health-care administration;

(II) Gerontology (including a long-term care practicum, internship or both);

(III) Nursing; or

3. *[Satisfactory completion of a course of instruction and training approved by the board as given in 13 CSR 7312.031; or]* Experience and education in one (1) of the following areas:

A. Associate degree AND two (2) years experience in a health-care facility; or

B. Baccalaureate degree (BS or BA) AND one (1) year experience in a health-care facility; or

C. Master's degree or beyond AND one (1) year experience in a health-care facility.

[4. Sufficient education, training or experience in the needs properly served by nursing homes, as determined by 13 CSR 73-2.041.]

(4) If the board determines the applicant has failed to meet one (1) of the criteria outlined in 13 CSR 73-2.020(2)(E)1.-3., the applicant—

(A) Must complete the course of instruction and training approved by the board pursuant to 13 CSR 73-2.031. The planned curriculum, including a description of each planned course, must be submitted to the board in writing for **PRIOR** review and approval. Failure to do so within six (6) months following notification of the board's decision will cause reapplication to become necessary for any future consideration.

(B) May submit additional information for reevaluation if done so no later than two (2) weeks prior to the next board meeting. The applicant will be given notice of the next board meeting date.

AUTHORITY: section 344.070, RSMo [Supp. 1998] 2000. Original rule filed March 5, 1974, effective March 1, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2001.

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

PRIVATE COST: For Calendar Year 2003, of the estimated 202 applicants for initial licensure, approximately 16% or 32 additional applicants will be required to complete a training program to qualify to sit for the examination. The estimated annual cost for the proposed regulation is \$75,690. The estimated cost to the private entities over the life of the rule is \$756,900.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, 615 Howerton Court, PO Box 1337, Jefferson City, MO 65102, (573) 751-3511. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Board of Nursing Home Administrators
FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 13 Department of Social Services

Division: 73 - Missouri Board of Nursing Home Administrators

Chapter: 2 - General Rules

Type of Rule: Proposed Rule

Rule Number and Name: 13 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators

Prepared March 28, 2001 by the Board of Nursing Home Administrators of the Department of Social Services, Division of Aging.

II. SUMMARY OF FISCAL IMPACT

Classification by types of business entities which would likely be affected are applicants applying for initial licensure as a nursing home administrator.

**TABLE I
APPLICANTS FOUND NOT QUALIFIED TO SIT FOR EXAMINATION**

Note: This Table reflects only the applicants who we estimate will no longer qualify under the proposed rule. Applicants who were found not qualified under the current rules and who will continue to be found not qualified under the proposed rules are not listed as there is no additional cost to those applicants.

| Applicant's Highest Level of Education | Estimated Number Each Fiscal Year | Cost to Applicant to Complete Training | Cost to Each Group of Applicants |
|--|-----------------------------------|--|----------------------------------|
| High School | 10 | \$3,654.00 | \$36,540.00 |
| LPN | 15 | \$2,610.00 | \$39,150.00 |
| Associates Degree | 1 | \$0.00 | \$0.00 |
| Baccalaureate Degree | 4 | \$0.00 | \$0.00 |
| Masters Degree or Beyond | 2 | \$0.00 | \$0.00 |
| Totals | 32 | | \$75,690.00 |

The estimated cost to the private entities over the life of the rule (10 years) is \$756,900.00.

III. WORKSHEET

State regulations at 13 CSR 73-2.031, Prescribed Course of Instruction and Training, specify the requirements for those applicants not meeting the minimum requirements.

| | |
|---------------------------|--|
| High School | 2,000 hour internship and 21 semester hours course work. |
| Licensed Practical Nurse | 800 hour internship and 15 semester hours course work. |
| Associate Degree | 640 hour internship and 0 semester hours course work. |
| Bachelor's Degree | 500 hour internship and 0 semester hours course work. |
| Masters Degree and Beyond | 500 hour internship and 0 semester hours course work. |

Based on information gathered from 6 Missouri junior college and university web sites, an average cost of a semester hour is \$114 and the average cost for books and supplies is \$60 per semester hour. Therefore, the cost per applicant to complete the course work required to qualify to sit for the examination is estimated as follows:

| | |
|---------------------------|---|
| High School | 21 semester hours X (\$114 + \$60 books & supplies) = \$3,654 |
| Licensed Practical Nurse | 15 semester hours X (\$114 + \$60 books & supplies) = \$2,610 |
| Associate degree | 0 semester hours = \$0 |
| Bachelor's Degree | 0 semester hours = \$0 |
| Masters Degree and Beyond | 0 semester hours = \$0 |

The Board is unaware of any applicant seeking an internship with a nursing facility who has been unable to locate such a position. The Board does not believe there are any direct costs associated with the required internship. However, there may be insignificant costs related to travel to and from the internship work site.

IV. ASSUMPTIONS

Based upon a review of the prior 3 fiscal years (FY 99, FY 00 and FY 01), approximately 15% of the applicants did not qualify to sit for the examination. As a result of the proposed modifications to the regulation, the Board determined that approximately 31% of the applicants would not have qualified to sit for the examination. The result is an additional 16% of the applicants who no longer qualify to sit the exam. The distribution of applicants based upon their highest level of education, who no longer would qualify to sit for the examination under the proposed regulation is as follows:

| | | |
|--------------------------------------|------------|-------------|
| High School | 38 | 32% |
| Licensed Practical Nurse | 56 | 47% |
| Associates Degree | 2 | 2% |
| Bachelor of Science/Bachelor of Arts | 15 | 13% |
| Masters Degree or Above | 7 | 6% |
| | <u>118</u> | <u>100%</u> |

The Board determined that the an estimated average of applicants applying for licensure will be 202 for fiscal years 2003 through 2011, and 101 for the last 6 months of FY 02 and the first 6 months of FY 2012. Therefore, for FY 2003 (first full fiscal year after the effect date of the proposed rule), of the estimated 202 applicants for initial licensure, approximately 16% or 32 additional applicants will be required to complete the Board required training program outlined by regulation. The Board estimates the following for FY 2003 after applying the above percentages:

| | | |
|--------------------------------------|----|-----|
| High School | 10 | 32% |
| Licensed Practical Nurse | 15 | 47% |
| Associates Degree | 1 | 2% |
| Bachelor of Science/Bachelor of Arts | 4 | 13% |
| Masters Degree or Above | 2 | 6% |

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

PROPOSED RESCISSION

13 CSR 73-2.041 Cumulative Point-Value System. This regulation was to describe the cumulative point-value system the board used to determine whether the evidence submitted by an applicant satisfied the conditions as set forth in 13 CSR 73-2.020(2)(E) of sufficient education, training or experience.

PURPOSE: The board is rescinding this rule and is proposing new criteria for initial licensure by amending 13 CSR 73-2.020(2)(E). The proposed minimum requirements for licensure as a nursing home administrator will replace the cumulative point-value system.

AUTHORITY: section 344.070, RSMo Supp. 1997. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed April 14, 1983, effective July 11, 1983. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed April 30, 1998, effective Oct. 30, 1998. Rescinded: Filed April 30, 2001.

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 Board of Nursing Home Administrators, Diana Love, Executive Secretary, 615 Howerton Court, PO Box 1337, Jefferson City, MO 65102, (573) 751-3511. 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.030 Eligibility and Participation. The board is adding section (4).

PURPOSE: This amendment clarifies the rules under which a participant shall be credited with hours of service by adding section (4).

(4) A participant shall be credited with hours of service for a calendar year in accordance with the following rules:

(A) One hour shall be credited for each regular, vacation and sick pay hour for which the participant is paid during the calendar year;

(B) Hours will be credited for military leave based on the participant's average hours paid during the last six months worked prior to such leave;

(C) No hours will be credited for unpaid sick leave; and

(D) Overtime hours will be credited in the manner they are accounted for in county payroll records.

AUTHORITY: section 50.1032, RSMo [Supp. 1999] 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. Amended: Filed Dec. 9, 1997, effective June 30, 1998. Rescinded

and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed April 26, 2001.

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 County Employees' Retirement Fund, PO Box 2271, 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 19—DEPARTMENT OF HEALTH
Division 25—Division of Administration
Chapter 30—Determination of Blood Alcohol by Blood,
Breath, Saliva and Urine Analysis; and Determination
for the Presence of Drugs in Blood and Urine

PROPOSED AMENDMENT

19 CSR 25-30.011 General Provisions for the Determination of Blood, Breath, Saliva or Urine Analysis and Drug Testing. The department proposes to amend sections (1) and (3).

PURPOSE: This amendment is being made to add additional statutes that are covered by this chapter.

(1) Only those laboratories or persons performing analysis of blood, breath, urine or saliva for the determination of blood alcohol content, or of blood and urine for the presence of drugs—at the direction of a law enforcement officer acting under provisions of sections 577.020–577.039, RSMo [and], 577.041, RSMo and **306.111–306.119, RSMo**—are subject to the rules of this chapter.

(3) The chemical analysis of a person's blood, breath, urine or saliva conducted under the provisions of 577.020–577.039, RSMo, [and] 577.041, RSMo, and **306.111–306.119, RSMo**, shall be performed by licensed medical personnel or by personnel possessing a valid permit issued by the department.

AUTHORITY: sections [192.005.2] **192.006, 306.114, 306.117, 577.020, 577.026, 577.029, 577.031, 577.033, 577.039, [RSMo 1986] 577.023, 577.041, [RSMo Supp. 1991] and 577.037, RSMo [1988] 2000.** This rule previously filed as 19 CSR 20-30.011. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.011 Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed May 10, 2001, effective May 22, 2001, expires Nov. 17, 2001. Amended: Filed May 10, 2001.

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 Dr. Eric C. Blank, State Public Health Laboratory, Missouri Department of Health, PO Box 570, Jefferson City, MO 65102, Phone: 573/751-3334. 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 19—DEPARTMENT OF HEALTH
Division 25—Division of Administration
Chapter 30—Determination of Blood Alcohol by Blood,
Breath, Saliva and Urine Analysis; and Determination
for the Presence of Drugs in Blood and Urine**

PROPOSED AMENDMENT

19 CSR 25.30.050 Approved Breath Analyzers. The department proposes to amend section (1) and add a new section (3).

PURPOSE: This amendment is being proposed to approve the Alco-Sensor IV for use with an Intoximeter, Inc. printer in addition to the RBT IV and a new section is being added to assure that breath tests performed on the Alco-Sensor IV/RBT IV prior to this amendment will continue to be considered valid. Also, this amendment removes the Intoxilyzer models 1400 and 5000CD which are no longer in production or in use in the state of Missouri.

(1) Approved breath analyzers are—

| NAME OR ITEM | MANUFACTURER |
|--|---|
| Alco-Sensor IV/[RBT IV] with printer* | Intoximeters, Inc., St. Louis, MO |
| BAC Verifier and DataMaster | National Patent Analytical Systems, Inc., Mansfield, OH (formerly a subsidiary of National Patent Development Corporation, East Hartford, CT, formerly Verax Systems, Inc., Fairport, NY) |
| [Intoxilyzer 1400 * | CMI/MPH, Operations of MPD, Inc. Owensboro, KY (formerly a subsidiary of Federal Signal Corp., Minturn, CO)] |
| Intoxilyzer, Model/s/ 5000 [and 5000 CD] | CMI/MPH, Operations of MPD, Inc., Owensboro, KY (formerly CMI, Inc., a subsidiary of Federal Signal Corp., Minturn, CO) |

*The Alco-Sensor IV [RBT IV and Intoxilyzer 1400 are] with printer is approved for use as a bench-top instrument/s] to be located within buildings or specially equipped trucks or vans specifically used for driving-while-intoxicated enforcement. [These] This instrument/s are] is not approved for mobile use in cars, boats, or outside areas.

(3) Breath tests performed on the Alco-Sensor IV/RBT IV prior to the effective date of this rule shall be considered valid under this rule if such tests were completed in compliance with the rules in effect at the time the test was conducted.

AUTHORITY: sections 192.006, 306.114, 306.117, 577.020, 577.037, 577.039, [and] 577.041, [RSMo Supp. 1997 and] 577.023, 577.026, 577.029, 577.031, and 577.033, RSMo [1994] 2000. This rule was previously filed as 13 CSR 50-140.050 and 19

CSR 20-30.050. Original rule filed Oct. 1, 1965, effective Oct. 13, 1965. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 10, 2001, effective May 22, 2001, expires Nov. 17, 2001. Amended: Filed May 10, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions 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 Dr. Eric C. Blank, State Public Health Laboratory, Missouri Department of Health, PO Box 570, Jefferson City, MO 65102, Phone (573) 751-3334. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
Division 25—Division of Administration
Chapter 30—Determination of Blood Alcohol by Blood,
Breath, Saliva and Urine Analysis; and Determination
for the Presence of Drugs in Blood and Urine**

PROPOSED AMENDMENT

19 CSR 25-30.070 Approval of Methods for the Determination of Blood Alcohol Content From Samples of Blood, Urine or Saliva. The department proposes to amend section (1).

PURPOSE: This amendment is being made to add additional statutes that are covered by this chapter.

(1) Blood samples shall be taken in accordance with the provisions of sections 577.029, and 306.111–306.119, RSMo.

AUTHORITY: sections [192.005.2] 192.006, 306.114, 306.117, 577.020, 577.026, 577.029, 577.031, 577.033, 577.039, [RSMo 1986,] 577.023, 577.041, [RSMo Supp. 1991] and 577.037, RSMo [Supp. 1988] 2000. This rule previously filed as 19 CSR 20-30.070. Emergency rule filed May 21, 1987, effective May 31, 1987, expired Sept. 28, 1987. Original rule filed May 21, 1987, effective Aug. 27, 1987. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 10, 2001, effective May 22, 2001, expires Nov. 17, 2001. Amended: Filed May 10, 2001.

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 Dr. Eric C. Blank, State Public Health Laboratory, Missouri Department of Health, PO Box 570, Jefferson City, MO 65102, Phone: 573/751-3334. 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 19—DEPARTMENT OF HEALTH
Division 25—Division of Administration
Chapter 30—Determination of Blood Alcohol by Blood,
Breath, Saliva and Urine Analysis; and Determination
for the Presence of Drugs in Blood and Urine**

PROPOSED AMENDMENT

19 CSR 25-30.080 Approval of Methods for the Analysis of Blood and Urine for the Presence of Drugs. The department proposes to amend section (1).

PURPOSE: This amendment is being made to add additional statutes that are covered by this chapter.

(1) Samples of blood or urine shall be collected in accordance with the provision of sections 577.029, **and 306.111–306.119**, RSMo and a sufficient volume of sample shall be collected to provide for duplicate testing.

AUTHORITY: sections [192.005.2] 192.006, 306.114, 306.117, 577.020, 577.026, 577.029, 577.031, 577.033, 577.039, [RSMo 1986], 577.023, 577.041, [RSMo Supp. 1991] and 577.037, RSMo [Supp. 1988] 2000. This rule previously filed as 19 CSR 20-30.080. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.080 Jan. 1, 1995. Emergency amendment filed May 10, 2001, effective May 22, 2001, expires Nov. 17, 2001. Amended: Filed May 10, 2001.

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 Dr. Eric C. Blank, State Public Health Laboratory, Missouri Department of Health, PO Box 570, Jefferson City, MO 65102, Phone: 573/751-3334. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.