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MATT BLUNT

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are cited in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE

RECORD -- OF SORTS!!

As you are aware, we have been printing Code and Register since 1976. We have a near record-breaking Register coming up! The September 4th edition of the Missouri Register contains 230 rulemakings! Wow, you have been busy -- and you are keeping us busy!!

Delegation of Authority

Please remember to send in your letters of delegation of authority for our files. We recently had a division within a Department attempt to file rules. We, unfortunately, had to send that individual back to his agency because: (1) their Department Director had not signed a letter of delegation of authority; (2) we had no delegation of authority on file which would allow filing of rules by that division or that division's director. This is a very important letter -- so, *please* remember to check your files and make certain that with changes in administration and leadership that this change has also been made with our office.

Revising Rules?

Please remember if you are revising your rules in any manner, you may call us and obtain a diskette copy, formatted in Word, of the content of your rules as they now appear in Code. Alternatively, we can e-mail the rule content to you. We find it is much easier to begin with this content than to start over, this step eliminates re-keying by your agency -- and, we find it eliminates errors and confusion when you use the "official" Code version.

As always, please feel free to contact us if we may be of assistance to you. It is our privilege to help you in any stage of the rulemaking process.



Lynne C. Angle,

Director, Administrative Rules Division

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 thirty (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 thirty (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 ninety (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 thirty (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 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 70—Missouri Assistive Technology Advisory
Council
Chapter 1—Assistive Technology Programs**

PROPOSED RULE

8 CSR 70-1.020 Assistive Technology Loan Program

PURPOSE: This rule establishes the standards and procedures for the provision of a statewide low-interest loan program providing financing to eligible persons for purchasing assistive technology devices and services. This rule implements sections 191.850 through 191.867, RSMo 2000.

(1) Program Title. The assistive technology loan program established in sections 191.850 through 191.867, RSMo 2000, shall hereinafter be referred to as "Show-Me Loans."

(2) Definitions. As used in this rule, except as otherwise required for the context, the following terms have the meanings ascribed:

(A) Assistive technology device—is equipment or an item to help maintain, increase, or improve the independence, or functional capabilities of an individual with a disability. The program will facilitate loans to purchase a broad range of assistive technology;

(B) Assistive technology service—is a service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes, but is not limited to:

1. The evaluation of the needs of an individual with a disability;
2. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of an assistive technology device;
3. Coordinating with other therapies, interventions, or services with assistive technology devices;
4. Training or technical assistance for an individual with a disability, or, where appropriate, the family of an individual with a disability;
5. Training or technical assistance to professionals, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of an individual with a disability;

(C) Individual with a disability—is an individual who meets the definition of an individual with a disability as defined in the Americans with Disabilities Act or an individual who is eligible for any of the state of Missouri disability related programs;

(D) Council—is the Missouri Assistive Technology Advisory Council;

(E) Program—is the Show-Me Loans Program;

(F) Eligible applicant—is an individual seeking a loan to assist one (1) or more individuals with disabilities obtain an assistive technology device or service;

(G) Adjusted gross income—is the amount claimed as adjusted gross income on an applicant's most recent federal income tax return;

(H) Program administrator—is staff of Missouri Assistive Technology or other entity so designated by the Missouri Assistive Technology Advisory Council.

(3) Applicant Eligibility.

(A) Eligible applicants shall:

1. Be residents of Missouri;
2. Be seeking a loan that will assist an individual with a disability obtain an assistive technology device or service;
3. Meet program standards established by the council.

(B) The program administrator may determine an applicant is ineligible for the program when the applicant has defaulted on a previous loan made through the program or violates any provisions of the program, or ceases to meet the requirements of these rules or of any standards or policies established by the council.

(C) Eligible applicants shall have an annual adjusted gross income that does not exceed sixty thousand dollars (\$60,000) for an individual or an individual plus a second exemption, spouse or dependent. For each additional dependent claimed, five thousand dollars (\$5,000) shall be added to the sixty thousand dollars (\$60,000) base level.

(4) Assistive Technology Eligible for Loan Funds. Allowable devices shall include, but not be limited to:

- (A) Wheelchairs, motorized scooters and other mobility aids;
- (B) Braille equipment;
- (C) Scanners;
- (D) Hearing aids and other assistive listening systems;
- (E) Augmentative communication systems;
- (F) Environmental control units;
- (G) Computers and adaptive computer peripherals;
- (H) Building modifications for accessibility;

(I) Motor vehicle modifications for accessibility. Motor vehicles such as automobiles, vans, or trucks are not eligible items for loans. Building modifications for homes are limited to the cost of the modifications. Loans are not permitted toward the purchase of a home.

(5) Loan Standards.

(A) Interest Rates. As a Special Purpose Credit Program under Section 8 of Regulation B of the Equal Credit Opportunity Act, the loan program may base interest rates on economic need rather than credit risk factors. The council shall establish an interest rate formula for borrowers based on individual payment abilities. The interest rate for individuals with a gross annual income of thirty thousand dollars (\$30,000) or more shall not exceed the prime interest rate. The interest rate for individuals with a gross annual income of more than fifteen thousand dollars (\$15,000) but less than thirty thousand dollars (\$30,000) shall not exceed one (1) percentage point below the prime interest rate. The interest rate for individuals with a gross annual income of fifteen thousand dollars (\$15,000) or less shall not exceed two (2) percentage points below the prime interest rate. The interest rates for loans shall be lower than comparable commercial lending rates. Loans may be made with no interest.

(B) Repayment Periods. The council shall establish repayment periods for borrowers based on the ability to pay. Loan repayment periods shall not exceed ten (10) years.

(C) Loan Amount. The maximum loan amount per applicant for Fiscal Year 2002 shall be ten thousand dollars (\$10,000). Thereafter, the council shall have the authority to review and adjust the maximum loan amount.

(D) Other. The council shall establish standards at the beginning of each year for matters necessary to implement the program. These standards shall include, but not be limited to, requirements for security or collateral for loans, and limits on the numbers and amounts of loans to assure the continued solvency of the loan program fund.

(6) Application Procedures. Individuals shall apply for the program, on forms approved by the program administrator, that include:

(A) Applicant name, home and mailing address, home and work phone, and Social Security number;

(B) If the applicant does not have a disability, a description of the applicant's relationship to the individual with a disability, the name of the person with a disability, if different from applicant; and the type of disability;

(C) Whether the applicant is applying as an individual or with a co-applicant;

(D) Identification of the assistive technology that the applicant plans to purchase; a description of how the assistive technology will improve the life of the person with a disability; the cost of the assistive technology; amount of loan requested; and the name, address and phone number of the vendor, contractor, or individual from whom the assistive technology will be purchased;

(E) Certification by the applicant that they authorize the program administrator to check the applicant's credit, make all inquiries necessary to verify the accuracy of the information provided, and share all financial, credit, and other pertinent information with required entities for the sole purposes of loan approval and loan maintenance;

(F) Whether the applicant rents or owns housing; name of landlord or mortgagor; monthly rent or mortgage payment; years and months living at current address and at previous address; name, address, and phone number of current employer; amount of gross monthly income from employment; source and monthly amount of income other than employment; name, address, and phone number of previous employer; years and months at current employer and previous employer; position or occupation at current employer and at previous employer; whether the applicant has a checking or a savings account; the bank name that holds the checking or savings account; and the names, addresses, phone numbers, and relationship to the applicant of the two (2) closest living relatives not living at applicant's address. If there is a co-applicant, all information in section (6) is also required for the co-applicant including a spouse if the spouse is contractually liable for repayment or if the applicant is relying on the income of spouse for approval of credit;

(G) Information about the applicant's current financial obligations including, but not limited to: financial institutions, department stores, credit cards, leases, unpaid taxes, alimony and child support. The applicant shall include information including the responsibility of the applicant and any co-applicant, the name of creditors, current outstanding balances, monthly or other term payments;

(H) Information required by federal or state statute;

(I) A statement to be signed by the applicant verifying the truthfulness and accuracy of all information submitted;

(J) In addition to information required on the application, applicants shall supply any additional information and supporting documentation which the program administrator deems reasonably necessary to determine the applicant's eligibility to receive a loan through the program.

(7) Application Review Procedures.

(A) Initial Application Review. Upon receipt of an application, the program administrator will perform an initial review to verify that the applicant is seeking a loan for assistive technology for an individual with a disability. The program administrator will perform an initial review of the applicant's creditworthiness, ability to repay the loan, and ability to meet the eligibility criteria established by the council.

(B) Loan Application Review. Following initial application review, the application will be submitted by the program administrator for approval or denial by the loan application review committee.

1. The loan application review committee shall consist of no fewer than five (5) members and no more than eleven (11) members. At least one (1) member shall be a Missouri Assistive Technology Advisory Council member. A majority of members shall be individuals with disabilities or individuals who have a family member with disability. The council shall appoint loan application review committee members for three (3)-year terms.

2. The loan application review committee shall approve or deny loan applications based on the eligibility criteria and financial standards established by the council.

(C) Approved Loan Processing.

1. The program administrator shall prepare a resolution on behalf of the council that will serve as an invoice for payment purposes upon approval of a loan application.

2. The program administrator shall submit by fax the resolution and all other necessary paperwork to immediately transfer funds from the Assistive Technology Revolving Loan Fund to the entity initiating the loan.

(D) Denied Loan Processing. The program administrator shall notify the applicant in writing following the denial of a loan application. The notification shall include information about how to appeal the denial decision.

(8) Appeals Process. Applicants may appeal any disapproval of a loan application by filing a written appeal with the Missouri Assistive Technology Advisory Council. No specific form shall be required. The council may hear appeals during any regularly scheduled council meeting or may call a special meeting of the council for such purpose. The council's decision regarding approval or denial of a loan shall be final.

(9) Fraud. If an applicant supplies false information or obtains a loan through misrepresentation of facts on the application, the program administrator may demand return of the item(s) for which the loan was provided and may declare such applicants ineligible for future loans.

AUTHORITY: section 191.865, RSMo 2000. Original rule filed July 10, 2001.

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

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file comments regarding this proposed rule with the Missouri Assistive Technology Council, 4731 South Cochise, Suite 114, Independence, MO 64055 or e-mail at matpmo@swbell.net. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.280 Compliance Monitoring Usage. The commission proposes to add new section (1), renumber original section (1), renumber and amend sections (2) and (3), and add new section (4). If the commission adopts this rule action, it will not be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because this rule only establishes methodology and does not establish requirements.

PURPOSE: The purpose of this amendment is to replace the references to rule 10 CSR 10-6.290 with references to 40 CFR Part 64. This amendment will also revise the format of this rule to be more consistent with other Division 10 rules. The evidence supporting the need for this rulemaking is public comment.

(1) Applicability. This regulation applies to air pollution sources throughout Missouri.

[(1)](2) Definitions[—]. Terms and phrases used in this rule may be found in 10 CSR 10-6.020 Definitions and Common Reference Tables.

(3) General Provisions.

[(2)] (A) Compliance Certifications[—]. Regardless of any other provision in any plan approved by the administrator, for the purpose of submission of compliance certificates the owner or operator is not prohibited from using the following in addition to any specified compliance methods:

[(A) This subsection is reserved to incorporate by reference 10 CSR 10-6.290 Enhanced Monitoring, which will be adopted in the future;]

1. Monitoring methods outlined in 40 CFR part 64;

[(B)] 2. Monitoring method(s) approved for the source pursuant to 10 CSR 10-6.065 Operating Permits, and incorporated into an operating permit; and

[(C)] 3. Any other monitoring methods approved by the director.

[(3)] (B) Enforcement[—]. Regardless of any other provision in the state implementation plan, any credible evidence may be used for the purpose of establishing whether a *[person] source or facility* has violated or is in violation of any such plan or other applicable requirement. **Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:**

[(A) Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:]

1. *[This paragraph is reserved to incorporate by reference 10 CSR 10-6.290 Enhanced Monitoring, which will be adopted in the future]* **Monitoring methods outlined in 40 CFR part 64;**

2. A monitoring method approved for the source pursuant to 10 CSR 10-6.065 Operating Permits, and incorporated into an operating permit; and

3. Compliance test methods specified in the rule cited as the authority for the emission limitations.

(4) Reporting and Record Keeping. (Not Applicable)

[(B)](5) Test Methods. The following testing, monitoring, or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:

[(1)](A) Applicable monitoring or testing methods, cited in: 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources; 10 CSR 10-6.040 Reference Methods; 10 CSR 10-6.070 New Source Performance Standards; and 10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants; or

[(2)](B) Other testing, monitoring, or information gathering methods, if approved by the director, that produce information comparable to that produced by any method in subsection *[(3)](A)](3)(B) or [paragraph (3)(B)]1 subsection (5)(A).*

AUTHORITY: section 643.050, RSMo [Supp. 1992] 2000. Original rule filed June 2, 1994, effective Dec. 30, 1994. Amended Filed: July 12, 2001.

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

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 26, 2001. The public hearing will be held at the Adam's Mark Hotel, 4th & Chestnut, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., October 3, 2001. Written comments shall be sent to Chief, Planning Section, Air

Pollution Control Program, 205 Jefferson Street, PO Box 176,
Jefferson City, MO 65102-0176.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.130 Direct Rollover Option. The division is amending section (3).

PURPOSE: This rule describes the direct rollover option authorized by section 50.1260, RSMo.

(3) A distributee [may elect a direct rollover after having received a written notice which complies] will be provided with an initial notice in compliance with the rules of Internal Revenue Code (Code) section 402(f), advising the distributee that there will be withheld an amount equal to twenty percent (20%) (or such other amount as may from time to time be prescribed by the Code or the Secretary of Treasury or his or her designate) on any eligible rollover distribution that is not transferred directly to an eligible retirement plan. In general, payment to a distributee shall [not] begin [until] no sooner than thirty (30) days after the initial notice is given. However, payment may be made sooner if the notice clearly informs the distributee of the right to a period of at least thirty (30) days to consider the decision of whether or not to make a direct rollover, and the distributee, after receiving the notice, makes an affirmative election to either receive an immediate distribution or directly roll over the eligible rollover distribution to an eligible retirement plan. If, however, the distributee fails to make any such affirmative election within thirty (30) days after the initial notice is given, the distributee will be provided with a second notice, affording the distributee with an additional opportunity to make an affirmative election. [A] If the distributee [who] fails to make an affirmative election [in] within the thirty (30)-day period [shall receive] after the second notice is given to either receive an immediate distribution or directly roll over the eligible rollover distribution [immediately after the] to an eligible retirement plan, the distributee will be treated as having made an affirmative election to receive an immediate distribution and, accordingly, the eligible rollover distribution (less the twenty percent (20%) required to be withheld) will be paid to the distributee immediately after such thirty (30)-day period expires.

AUTHORITY: section 50.1032, RSMo [Supp. 1999] 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed July 6, 2001.

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

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$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 (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.