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Matt Blunt
Secretary of State

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The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



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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.

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

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Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6484	Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3400	Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733	West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083	Springfield-Greene County Library PO Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (314) 978-7997	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-1281	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416			

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 identified 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

New manual — do you have your copy?

As you know, our new rulemaking manual, *Rulemaking 1-2-3, Missouri Style*, was presented on Thursday, October 11, 2001, at 2:00 p.m. in the Interpretive Center here at the Kirkpatrick State Information Center. If you were unable to attend or did not receive a manual, please call our office at 751-4015, or send us an e-mail at rules@sosmail.state.mo.us to request your copy. At this time, unfortunately, we must maintain strict control of the distribution of the same, due to the cost of producing the manuals and because we were only able to produce a limited quantity. If your agency received a copy, please share the same within your agency. If your agency did not receive a copy, please advise us. You may drop by our office and pick up your copy; or we can forward the same via interagency mail.

Remember, we want to hear from you!!

Please remember that we want to hear your suggestions, comments, tips, hints, critiques, and, yes, *even* complaints regarding the new rulemaking manual. We want to hear from you so we can know if we are doing our job!

Rulemaking Classes

After you receive your new rulemaking manual, if your agency still feels a need for rulemaking classes, please contact us and we will arrange to teach *Rulemaking 1-2-3, Missouri Style* to your group either at your agency or ours.

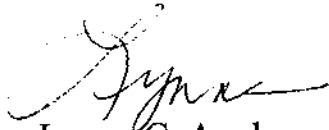
We have already scheduled some classes and are willing to schedule more, if you feel you need this service.

Some agencies have indicated they feel the new manual is sufficient and they will not need classes. Please let us know if we can assist you in this regard.

Forms, transmittal sheets, etc.

You will note a "forms" section in the new rulemaking manual. In this section of the manual, we have provided examples of the preferred format for forms, transmittal sheets, etc. These are in the manual for your use and your convenience. If it is easier for you to have us e-mail these to you, please let us know and we are pleased to provide this service.

Please contact this division if we may assist you with your rulemakings — at whatever stage they may be. It is our pleasure to serve you, our customers.



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 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 sections (2) and (4).

PURPOSE: This amendment modifies the reciprocal fishing privileges of persons licensed by the state of Tennessee.

(2) Permits Required.

(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 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.

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

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

(B) Regulations of the state where the person is licensed shall apply in Arkansas *[and Tennessee]* boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky, **Tennessee**, Nebraska and Kansas boundary waters. Persons licensed in Illinois, **Tennessee** 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.

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

(E) Persons licensed in Illinois, **Tennessee** or Nebraska may fish from or attach devices or equipment to land under the jurisdiction of Missouri.

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 Oct. 1, 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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, 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.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land
Surveyors
Chapter 3—Seals**

PROPOSED AMENDMENT

4 CSR 30-3.020 [Registrant's] Seal—Architect. The board is proposing to amend the title of the rule, the original purpose statement and section (1), add new language in section (2), renumber the remaining sections accordingly and amend the newly renumbered sections (3) through (6).

PURPOSE: This rule is being amended to change the words "register," "registered," and "registrant" to "license," "licensed," and

"licensee" to be consistent with Chapter 327, RSMo. It is also being amended to clarify when revisions are made to a set of plans, drawings, specifications, estimates, reports and other documents, the licensee responsible for the revisions is to sign, seal and date each sheet and provide an explanation of the revisions. Furthermore, it clarifies that plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated unless clearly designated preliminary or incomplete.

PURPOSE: This rule describes the format for personal seal of an [registered] architect.

(1) Each [registered] architect [engineer] licensed prior to **January 1, 2002**, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal and **either Registered Architect or Architect** on the lower part and within the inner circle shall appear the name of the [registrant] licensee, together with his/her [register] license number preceded by the Roman capital letter A.

(2) Each architect licensed on or after **January 1, 2002**, at his/her own expense, shall secure a seal one and three-quarter inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal, and **Architect** on the lower part and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the Roman capital letter A.

[(2)] (3) Rubber stamps, identical in size, design and content with the approved seals may be used by the [registrant] licensee at his/her option.

[(3)] (4) In addition to the personal seal or rubber stamp, the [registered] architect shall also affix his/her signature on and through his/her seal, and place the original date under the seal, at the minimum, to the original of each sheet in a set of plans, drawings, specifications, estimates, reports and other documents which were prepared by the architect or under the architect's immediate personal supervision.

(A) When revisions are made, the [registered] architect who made the revisions or under whose immediate personal supervision the revisions were made shall [place his/her signature on the same line next to the revision date and give an explanation of the revisions] **sign, seal and date each sheet and provide an explanation of the revisions.**

(B) On multiple page specifications, estimates, reports and other documents or instruments, not considered to be plans, the [registered] architect, when more than one (1) sheet is bound together in one (1) volume, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume. Provided further that any of the other sheets which were prepared by, or under the immediate personal supervision of another [registered] architect be signed, sealed and dated as provided for, by the other [registered] architect and any additions, deletions or other revisions shall not be made unless signed, sealed and dated by the [registered] architect who made the revisions or under whose immediate personal supervision the revisions were made.

[(4)] (5) Plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated **unless clearly designated preliminary or incomplete.** If the plan

is not completed, the phrase "Preliminary—not for construction" or similar language or phrase shall be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It shall be a disclaimer and notice to others that the plans are not complete. When the plan is completed, the phrase "Preliminary—not [] for construction" or other disclaimer should be removed or crossed-out and the seal holder shall sign the cancellation of the disclaimer as a revision to the plan.

[(5)] (6) In the instance of one (1) [registrant] licensee performing design for other [registrants] licensees to incorporate into his/her documents, each [registrant] licensee shall seal, date and sign those documents, using the appropriate disclaimer for clarification of each [registrant's] licensee's responsibility.

[(6)] (7) The signing and sealing of plans, specifications, reports and other documents or instruments not prepared by the architect or under his/her immediate personal supervision is prohibited.

AUTHORITY: section 327.041 as amended by **HB 567 (2001) and 327.411, RSMo [Supp. 1989] 2000.** Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed April 16, 1986, effective June 28, 1986. Amended: Filed Nov. 1, 1990, effective April 29, 1991. Amended: Filed Oct. 1, 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 Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land
Surveyors
Chapter 3—Seals**

PROPOSED AMENDMENT

4 CSR 30-3.030 [Registrant's] Seal—Professional Engineer. The board is proposing to amend the title of the rule, the original purpose statement and section (1), add new language in section (2), renumber the remaining sections accordingly and amend the newly renumbered sections (3) through (6).

PURPOSE: This rule is being amended to change the words "register," "registered," and "registrant" to "license," "licensed," and "licensee" to be consistent with Chapter 327, RSMo. It is also being amended to clarify when revisions are made to a set of plans, drawings, specifications, estimates, reports and other documents the licensee responsible for the revisions is to sign, seal and date each sheet and provide an explanation of the revisions. Furthermore, it clarifies that plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated unless clearly designated preliminary or incomplete.

PURPOSE: This rule describes the format for personal seal of a [registered] professional engineer.

(1) Each [registered] professional engineer **licensed prior to January 1, 2002**, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal and **either Registered Professional Engineer or Professional Engineer** on the lower part and within the inner circle shall appear the name of the [registrant] licensee, together with his/her [register] license number preceded by the Roman capital letter E or letters PE.

(2) Each professional engineer **licensed on or after January 1, 2002**, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal, and **Professional Engineer** on the lower part and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the Roman capital letters PE.

[(2)] (3) Rubber stamps, identical in size, design and content with the approved seals may be used by the [registrant] licensee at his/her option.

[(3)] (4) In addition to the personal seal or rubber stamp, the [registered] professional engineer shall also affix his/her signature on or through his/her seal and place the original date under the seal, at the minimum, to the original of each sheet in a set of plans, drawings, specifications, estimates, reports and other documents which were prepared by the professional engineer or under the professional engineer's immediate personal supervision.

(A) When revisions are made, the [registered] professional engineer who made the revisions or under whose immediate personal supervision the revisions were made shall [place his/her signature on the same line next to the revision date and give an explanation of the revisions] **sign, seal and date each sheet and provide an explanation of the revisions.**

(B) On multiple page specifications, estimates, reports, and other documents or instruments not considered to be plans, the [registered] professional engineer, when more than one (1) sheet is bound together in one (1) volume, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume. Provided further that any of the other sheets which were prepared by, or under the immediate personal supervision of another [registered] professional engineer be signed, sealed and dated as provided for, by the other [registered] professional engineer and any additions, deletions or other revision shall not be made unless signed, sealed and dated by the [registered] professional engineer who made the revisions or under whose immediate personal supervision the revisions were made.

[(4)] (5) Plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated **unless clearly designated preliminary or incomplete.** If the plan is not completed, the phrase, "Preliminary—not for construction" or similar language or phrase shall be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It shall be a disclaimer and notice to others that the plans are not complete. When the plan is completed, the phrase "Preliminary—not for construction" or other disclaimer should be removed or crossed-out and the seal holder shall sign the cancellation of the disclaimer as a revision to the plan.

[(5)] (6) In the instance of one (1) [registrant] licensee performing design for other [registrants] licensees to incorporate into his/her documents, each [registrant] licensee shall seal, date and sign those documents, using the appropriate disclaimer for clarification of each [registrant's] licensee's responsibility.

[(6)] (7) The signing and sealing of plans, specifications, estimates, reports and other documents or instruments not prepared by the professional engineer or under his/her immediate personal supervision is prohibited.

AUTHORITY: section 327.041, as amended by HB 567 (2001) and 327.411, RSMo [Supp. 1989] 2000. Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed April 16, 1986, effective June 28, 1986. Amended: Filed Nov. 1, 1990, effective April 29, 1991. Amended: Filed Oct. 1, 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 Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors
Chapter 3—Seals**

PROPOSED AMENDMENT

4 CSR 30-3.040 [Registrant's] Seal—Professional Land Surveyor. The board is proposing to amend the title of the rule, the original purpose statement and section (1), add a new section (2), renumber the remaining sections accordingly, and amend the newly numbered sections (3) and (6).

PURPOSE: This rule is being amended to change the words "register," "registered," and "registrant" to "license," "licensed," and "licensee" to be consistent with Chapter 327, RSMo. It is also being amended to clarify when revisions are made to a set of plans, drawings, specifications, estimates, reports and other documents the licensee responsible for the revisions is to sign, seal and date each sheet and provide an explanation of the revisions. Furthermore, it clarifies that plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated unless clearly designated preliminary or incomplete.

PURPOSE: This rule describes the format for personal seal of a [registered] licensed professional land surveyor.

(1) Each [registered] professional land surveyor **licensed prior to January 1, 2002**, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of

Missouri on the upper part of the seal, and **either Registered Land Surveyor or Professional Land Surveyor** on the lower part and within the inner circle shall appear the name of the *[registrant]* licensee, together with his/her *[register]* license number preceded by the Roman capital letters **LS or PLS**.

(2) Each professional land surveyor licensed on or after January 1, 2002, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal and Professional Land Surveyor on the lower part and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the Roman capital letters PLS.

[(2)] **(3)** Rubber stamps, identical in size, design and content with the approved seals may be used by the *[registrant]* licensee at his/her option.

[(3)] **(4)** In addition to the personal seal or rubber stamp, the *[registered]* professional land surveyor shall also affix his/her signature on and through his/her seal, and place the original date under the seal, at a minimum, to the original of each sheet in a set of plats, surveys, drawings, specifications, estimates, reports and other documents or instruments which were prepared by the professional land surveyor or under the professional land surveyor's immediate personal supervision.

(A) When revisions are made, the *[registered]* professional land surveyor, who made the revisions or under whose immediate personal supervision the revisions were made, shall *[place his/her signature on the same line next to the revision date and give the explanation of the revisions]* **sign, seal and date each sheet and provide an explanation of the revisions.**

(B) On multiple page specifications, estimates, reports and other documents or instruments, not considered to be plans, the *[registered]* professional land surveyor, when more than one (1) sheet is bound together in one (1) volume, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume. Provided further that any of the other sheets which were prepared by, or under the immediate personal supervision of another *[registered]* professional land surveyor be signed, sealed and dated as provided for, by the other *[registered]* professional land surveyor and any additions, deletions or other revisions shall not be made unless signed, sealed and dated by the *[registered]* professional land surveyor who made the revisions or under whose immediate personal supervision the revisions were made.

[(4)] **(5)** Plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated **unless clearly designated preliminary or incomplete.** If the plan is not completed, the phrase, "Preliminary—not for construction" or similar language or phrase shall be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It shall be a disclaimer and notice to others that the plans are not complete. When the plan is completed, the phrase "Preliminary—not for construction" or other disclaimer should be removed or crossed-out and the seal holder shall sign the cancellation of the disclaimer as a revision to the plan.

[(5)] **(6)** The signing and sealing of plats, surveys, drawings, documents, specifications, estimates, reports and other documents or instruments not prepared by the *[registered]* professional land surveyor or under his/her immediate personal supervision is prohibited.

AUTHORITY: sections 327.041 as amended by HB 567 (2001) and 327.411, RSMo [Supp. 1989] 2000. Original rule filed March

16, 1970, effective April 16, 1970. Amended: Filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed April 16, 1986, effective June 28, 1986. Amended: Filed Nov. 1, 1990, effective April 29, 1991. Amended: Filed Oct. 1, 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 Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Land Surveyors
Chapter 4—Applications**

PROPOSED RESCISSION

4 CSR 30-4.080 Evaluation—Comity Applications—Land Surveyors. This rule insured that applicants for registration as land surveyors met the minimum requirements for initial registration in Missouri.

PURPOSE: This rule is being rescinded and readopted to outline the conditions under which the board will require a professional land surveying applicant under 327.381, RSMo to take and pass an examination(s) as a prerequisite to licensure.

AUTHORITY: section 327.041, RSMo 1986. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 27, 1987, effective April 26, 1987. Rescinded: Filed Oct. 1, 2001.

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

PRIVATE COST: This proposed rescission 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 rescission with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land Surveyors
Chapter 4—Applications**

PROPOSED RULE

4 CSR 30-4.080 Evaluation—Comity Applications—Land Surveyors

PURPOSE: This rule outlines conditions under which the board will require a professional land surveying applicant under section 327.381, RSMo to take and pass an examination(s) as a prerequisite to licensure.

(1) Any person applying for licensure as a professional land surveyor under section 327.381, RSMo, who was licensed on or after October 1992 in another state, territory or possession of the United States or in another country without being required to pass the National Council of Examiners in Engineering and Surveying (NCEES) examinations, that is, the Fundamentals of Land Surveying Examination and the Principles and Practice of Land Surveying Examination; will be required to pass the NCEES Fundamentals of Land Surveying Examination, except that if such person has been actively engaged in the practice of land surveying for a period of at least fifteen (15) years prior to the filing of his/her application for comity and has taken at least an eight (8) hour examination in the Fundamentals of Land Surveying, the requirement for taking the NCEES Fundamentals of Land Surveying Examination will be waived.

(2) Any person applying for licensure as a professional land surveyor under section 327.381, RSMo, who was licensed prior to October 1992 in another state, territory or possession of the United States or in another country without being required to pass the NCEES Fundamentals of Land Surveying Examination, will be required to pass the NCEES Fundamentals of Land Surveying Examination; except that if such person has been actively engaged in the practice of land surveying for a period of at least fifteen (15) years prior to the filing of his/her application for comity and has taken at least an eight (8) hour examination in the Fundamentals of Land Surveying, which is equivalent to that of the NCEES, the requirement for taking the NCEES Fundamentals of Land Surveying Examination will be waived.

(3) Any person applying for licensure as a professional land surveyor under section 327.381, RSMo, who was licensed prior to October 1992 in another state, territory or possession of the United States or in another country without being required to pass the NCEES Principles and Practice of Land Surveying Examination, will be required to pass the NCEES Principles and Practice of Land Surveying Examination; except that if such person has been actively engaged in the practice of land surveying for a period of at least fifteen (15) years prior to the filing of his/her application for comity and has taken at least an eight (8) hour examination in the Principles and Practice of Land Surveying, which is equivalent to that of the NCEES, the requirement for taking the NCEES Principles and Practice of Land Surveying Examination will be waived.

(4) Any person applying for licensure as a professional land surveyor under section 327.381, RSMo, shall be required to take and pass the written Missouri Specific Examination covering Missouri surveying practice and Missouri statutes and rules relating to the practice of land surveying.

(5) When a comity applicant is required to take one or both of the NCEES examinations as well as the written Missouri Specific Examination, the applicant may take the examinations on consecutive testing dates, provided however, the applicant will not be licensed by comity until he or she passes all of the examinations required of the applicant.

AUTHORITY: sections 327.041 and 327.381 as amended by HB 567 (2001). Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 27, 1987, effective April 26, 1987. Rescinded and readopted: Filed Oct. 1, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions an estimated one hundred forty-six dollars and thirty-four cents (\$146.34) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities an increase of nine hundred dollars (\$900) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 4 - Applications

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-4.080 Evaluation - Comity Applications - Land Surveyors.

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers and Professional Land Surveyors (Land Surveyor Missouri Specific Examination)	\$146.34

**Total annual cost
for the life of the rule \$146.34**

III. WORKSHEET

The board estimates that 9 individuals will apply for licensure annually. The following is a breakdown of the expense and equipment costs associated with printing and mailing the applications to applicants.

CLASSIFICATION	FEE AMOUNT	NUMBER OF APPLICANTS	TOTAL ANNUAL COST
Application Packet Printing Cost	\$8.10	9	\$72.90
Envelope for Mailing Application	\$.80	9	\$7.20
Postage for Mailing Application	\$3.20	9	\$28.80
License Printing Cost	\$.15	9	\$1.35
Envelope for Mailing License	\$.16	9	\$1.44
Postage for Mailing License	\$.34	9	\$3.06

Total expense and equipment costs associated with printing and mailing the applications for licensure to applicants: \$114.75

Applications are processed by the Licensing Technician II who reviews the initial application for licensure and updates the information contained on the application to the computerized licensing system. The Executive Director reviews any questions or problems on the application and addresses those problems with necessary action such as correspondence or telephone calls. Three members of the Land Surveying Division of the board review all applications received. Members of the board receive per diem for this review, however, because the 9 applications are received at various times throughout the year and other applications/documents may be included in the board member's packet of review, per diem costs were not calculated in this fiscal note.

The figures below represent the personal service costs paid by the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors for the initial licensure process.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL BIENNIAL COST
Executive Director	\$50,172	\$66,894	\$32.16	\$.54	3 minutes	\$1.62	\$14.58
Licensure Technician II	\$24,492	\$32,655	\$15.70	\$.27	7 minutes	\$1.89	\$17.01

Total personal service costs associated with printing and mailing the applications for licensure to applicants: \$31.59

IV. ASSUMPTIONS

- The number of applicants by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 4 – Applications

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-4.080 Evaluation – Comity Applications – Land Surveyors

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

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 annual cost of compliance with the rule by the affected entities:
9	Applicants (Missouri Specific Examination - \$100.00)	\$900.00
Total annual cost for the life of the rule		\$900.00

III. WORKSHEET

See above Table

IV. ASSUMPTIONS

- Fees for the National Council of Examiners for Engineering and Surveying (NCEES) examinations were not calculated into this fiscal note since the majority of applicants have already passed this examination in order to obtain licensure in another state.
- The number of applicants by class are based on actual figures from FY00 and projected figures in FY01.
- It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 30—Missouri Board for Architects, Professional Engineers and Land Surveyors
Chapter 5—Examinations

PROPOSED RESCISSION

4 CSR 30-5.120 Scope of Examination—Land Surveyors. This rule prescribed hours and subject matter of land surveying examinations.

PURPOSE: This rule is being rescinded and readopted to establish the examinations that are required of a person applying for enrollment as a land surveyor-in-training under section 327.312, RSMo and for a person applying for licensure as a professional land surveyor.

AUTHORITY: section 327.041, RSMo 1986. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Amended: Filed Jan. 27, 1987, effective April 26, 1987. Amended: Filed July 20, 1987, effective Oct. 25, 1987. Rescinded: Filed Oct. 1, 2001.

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

PRIVATE COST: This proposed rescission 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 rescission with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors
Chapter 5—Examinations

PROPOSED RULE

4 CSR 30-5.120 Scope of Examination—Land Surveyor-in-Training and Professional Land Surveyors

PURPOSE: This rule establishes the examinations that are required of a person applying for enrollment as a land surveyor-in-training under section 327.312, RSMo, and for a person applying for licensure as a professional land surveyor.

(1) The examination for enrollment as a land surveyor-in-training shall be the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.

(2) The examinations for licensure as a professional land surveyor shall be the NCEES Principles and Practice of Land Surveying and the Missouri Specific Examination covering Missouri surveying practice and Missouri statutes and rules relating to the practice of land surveying. These two (2) examinations are independent of each other and shall be graded separately. A passing score must be obtained on each examination before licensure will be granted.

AUTHORITY: sections 327.041 and 327.314, as amended by HB 567 (2001) and 327.312, RSMo 2000. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed Oct. 1, 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 a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 30—Missouri Board for Architects, Professional Engineers and Land Surveyors
Chapter 5—Examinations

PROPOSED RESCISSION

4 CSR 30-5.130 Reexamination—Land Surveyors. This rule set forth the policy for reexamination of the land surveyor examinations.

PURPOSE: This rule is being rescinded and readopted to outline the policy for reexamination of Land Surveyor-in-Training and Professional Land Surveyor applicants who have failed the examination(s).

AUTHORITY: section 327.041, RSMo 1986. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Rescinded: Filed Oct. 1, 2001.

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

PRIVATE COST: This proposed rescission 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 rescission with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors
Chapter 5—Examinations

PROPOSED RULE

4 CSR 30-5.130 Reexamination—Land Surveyor-in-Training and Professional Land Surveyor

PURPOSE: This rule outlines the policy for reexamination of land surveyor-in-training and professional land surveyor applicants who fail the examination(s).

(1) An applicant for enrollment as a land surveyor-in-training failing to make a passing grade on the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination shall have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the following criteria are met:

(A) The applicant applies for reexamination on forms furnished by the board;

(B) The applicant pays the required reexamination fee;

(C) The applicant files his or her application for reexamination on or before the filing deadline established by the board; and

(D) The applicant provides any additional information deemed pertinent by the board.

(2) An applicant for examination and licensure as a professional land surveyor failing to make a passing grade on the NCEES Principles and Practice of Land Surveying Examination shall have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the following criteria are met:

(A) The applicant applies for reexamination on forms furnished by the board;

(B) The applicant pays the required reexamination fee;

(C) The applicant files his or her application for reexamination on or before the filing deadline established by the board; and

(D) The applicant provides any additional information deemed pertinent by the board.

(3) An applicant for examination and licensure as a professional land surveyor failing to make a passing grade on the Missouri Specific Examination shall have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the following criteria are met:

(A) The applicant applies for reexamination on forms furnished by the board;

(B) The applicant pays the required reexamination fee;

(C) The applicant files his/her application for reexamination on or before the filing deadline established by the board; and

(D) The applicant provides any additional information deemed pertinent to the board.

AUTHORITY: sections 327.041 and 327.314 as amended by HB 267 (2001) and 327.312, 327.313, 327.321, 327.331 and 327.341, RSMo 2000. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Rescinded and readopted: Filed Oct. 1, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions an estimated two hundred eighty-two dollars and forty-eight cents (\$282.48) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities an increase of six thousand four hundred fifty dollars (\$6,450) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note,

which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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.*

**FISCAL NOTE
 PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 5 - Examinations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-5.130 Reexamination - Land Surveyor-in-Training and Professional Land Surveyor

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers and Professional Land Surveyors (Land Surveyor Reexamination)	\$282.48
Total annual cost for the life of the rule	
	\$282.48

III. WORKSHEET

The office estimates that 33 individuals will apply for reexamination annually. The following is a breakdown of the expense and equipment costs associated with reexamination of the land surveyor applicants.

CLASSIFICATION	FEE AMOUNT	NUMBER OF APPLICANTS	TOTAL ANNUAL COST
Application Printing Cost	\$.15	33	\$4.95
Envelope for Mailing Application	\$.16	33	\$5.28
Postage for Mailing Application	\$.34	33	\$11.22
License Printing Cost	\$.15	33	\$4.95
Envelope for Mailing License	\$.16	33	\$5.28
Postage for Mailing License	\$.34	33	\$11.22
Total expense and equipment costs associated with the reexamination of the land surveyor applicants:			\$42.90

Applications are received by the Clerk Steno IIs who prepares the deposit for the application fee and sets up the record on the computerized licensing systems. The Licensure Technician II processes the application and accompanying documentation and updates the computer record. The Executive Director assists with any applications requiring additional information and preapproves the applications prior to board review. Three members of the Land Surveying Division of the board will review all applications received. Members of the board receive per diem for this review, however, because the 9 applications are received at various times throughout the year and other applications/documents may be included in the board member's packet of review, per diem costs were not calculated in this fiscal note. After board approval the Clerk Steno pulls the previous examination records, schedules the examination and notifies the applicant.

The figures below represent the personal service costs paid by the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors for reexamination process.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$50,172	\$66,894	\$32.16	\$.54	3 minutes	\$1.62	\$53.46
Licensure Technician II	\$24,492	\$32,655	\$15.70	\$.27	7 minutes	\$1.89	\$62.37
Clerk Stenographer II	22,788	\$30,383.24	\$14.61	\$.25	15 minutes	\$3.75	\$123.75

Total personal service costs associated with printing and mailing the applications for initial licensure to applicants: **\$239.58**

IV. ASSUMPTIONS

- The number of applicants by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
 PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 4 – Applications

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-5.130 Reexamination - Land Surveyor-in-Training and Professional Land Surveyor

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

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 annual cost of compliance with the rule by the affected entities:
33	Applicants for Reexamination (Principle and Practice of Land Surveying Reexamination Fee- \$150)	\$4,950.00
20	Applicants for Reexamination (Missouri Specific Examination - \$75)	\$1,500
Total annual cost for the life of the rule		\$6,450.00

III. WORKSHEET

See above Table

IV. ASSUMPTIONS

- The number of applicants by class are based on actual figures from FY00 and projected figures in FY01.
- It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

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

PROPOSED AMENDMENT

4 CSR 65-1.060 Fees. The Office of Endowed Care Cemeteries is proposing to add new subsections (1)(B) and (1)(C), reletter the remaining subsections accordingly, amend subsections (1)(D) and (1)(E), add new language in subsections (1)(F) and (1)(G) and amend section (3).

PURPOSE: This amendment establishes fees for original licensure, renewal and reinstatement.

(1) The division establishes the following fees which are non-refundable:

(B) Original Licensure Fee (Endowed Care Cemetery)	\$ 250.00
(C) Original Licensure Fee (Nonendowed Care Cemetery)	\$100.00
[(B)] (D) Copy of Register Fee (plus \$.25 per page)	\$5.00
[(C)] (E) Insufficient Funds Check Fee Charge	\$25.00
(F) Annual Renewal Fee (Endowed Care Cemetery and Nonendowed Care Cemetery) (plus \$1.00 for each interment, inurnment or other disposition of human remains)	\$50.00
(G) Reinstatement Fee	\$200.00

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

AUTHORITY: sections 214.275, RSMo as amended by HB 567 (2001) and 214.280, 214.283 and 610.026, RSMo [Supp. 1999 and 214.283, RSMo 1994] 2000. Original rule filed April 14, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 28, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions an estimated six dollars and ninety cents (\$6.90) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will cost private entities an estimated four hundred dollars and sixty-eight cents (\$400.68) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Endowed Care Cemeteries, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. 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.

**FISCAL NOTE
 PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: Chapter 1 - Registration Requirements

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 65-1.060 Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Endowed Care Cemeteries (reinstatement)	\$6.90
Total Cost Per Year for the Life of the Rule	
	\$6.90

III. WORKSHEET

REINSTATEMENT

The office estimates 2 licenses will be reinstated annually. The following is a breakdown of expense and equipment costs associated with reinstating a license.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	2	\$.30
Envelope for Mailing Renewal Application	\$.16	2	\$.32
Envelope for Mailing Renewal Application	\$.16	2	\$.32
Postage for Mailing Renewal Application	\$.34	2	\$.68
License Printing Cost	\$.11	2	\$.22
License Mailing Cost	\$.34	2	\$.68
Total:			\$2.52

Applications are processed by Licensure Technician II who reviews the application along with the accompanying documentation and updates the information contained on the application to the computerized licensing system. The Executive Director reviews the application for final approval and any questions or problems and addresses those problems with necessary action through correspondence or telephone calls.

Staff resources are shared with two other boards. The figures below represent the personal service costs paid by the Office of Endowed Care Cemeteries.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$20,040	\$26,719.33	\$12.85	\$.22	7	\$1.54	\$3.08
Licensure Technician II	\$12,246	\$16,327.59	\$7.85	\$.13	5	\$.65	\$1.30
Total:							\$4.38

The board estimates this renewal process will cost the board approximately \$6.90 annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- Costs associated with original licensure are reported in the fiscal note for board rule 4 CSR 110-2.010 and costs associated with renewing a license are reported in the fiscal note for board rule 4 CSR 110-2.020.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
 PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: Chapter 1 - Registration Requirements

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 65-1.060 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
2	Applicant (reinstatement @ \$200)	\$400
2	Applicant (postage @ \$.34)	\$.68
Total annual cost for the life of the rule		\$400.68

III. WORKSHEET

See table above

IV. ASSUMPTIONS

1. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

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

PROPOSED RULE

4 CSR 65-2.010 Application for a License

PURPOSE: This rule outlines the procedure for application for a license.

(1) Application for licensure shall be submitted on the form provided by the office. Forms may be obtained by contacting the Office of Endowed Care Cemeteries at 3605 Missouri Boulevard, Jefferson City, MO 65102 or by calling (573) 751-0849. The number for the hearing impaired is (800) 735-2966.

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

(3) An applicant owning or operating an endowed care cemetery shall submit along with the application a notarized verification statement from the trustee verifying that a trust fund has been established as required in section 214.310, RSMo. If the trust fund is set aside in a segregated bank account, a notarized statement from a licensed practicing attorney with escrow powers, including the attorney's Missouri bar number, shall be submitted.

(4) An applicant owning or operating an endowed care cemetery shall submit along with the application a copy of the trust fund agreement for approval by the office or an affidavit from a licensed practicing attorney in this state verifying the agreement is in compliance with sections 214.270 to 214.516, RSMo.

(5) A notarized verification statement from a bonding company or insurance company shall accompany the application verifying that a surety bond has been issued pursuant to section 214.310, RSMo, if required.

(6) Applicants approved for a license will receive one (1) license. Duplicate licenses may be provided upon written request to the division.

(7) An application for a license to operate a cemetery does not constitute an election to operate a cemetery as an endowed care cemetery. If an election pursuant to section 214.280, RSMo has not been made for a cemetery, it must accompany the application for a license.

AUTHORITY: section 214.275, RSMo as amended by HB 567 (2001). Original rule filed Sept. 28, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated forty-one dollars and two cents (\$41.02) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated one thousand six hundred nineteen dollars and eighty-eight cents (\$1,619.88) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. 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.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: Chapter 2 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.010 Application for a License

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Endowed Care Cemeteries (original licenses)	\$41.02
Total Cost Per Year for the Life of the Rule	
	\$41.02

III. WORKSHEET

ORIGINAL LICENSE COST

The office estimates 6 original endowed care licenses and 1 nonendowed care license will be issued annually because of change in ownership. The following is a breakdown of expense and equipment costs associated with issuing an original license.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Application Printing Cost	\$.15	7	\$1.05
Envelope for Mailing Application	\$.16	7	\$1.12
Envelope for Mailing Application	\$.16	7	\$1.12
Postage for Mailing Application	\$.34	7	\$2.38
License Printing Cost	\$.11	7	\$.77
License Mailing Cost	\$.34	7	\$2.38
Total:			\$8.82

Applications are processed by Licensure Technician II who reviews the application along with the accompanying documentation and updates the information contained on the application to the computerized licensing system. The Executive Director reviews the application for final approval and any questions or problems and addresses those problems with necessary action through correspondence or telephone calls.

Staff resources are shared with two another boards. The figures below represent the personal service costs paid by Office Endowed Care Cemeteries.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$20,040	\$26,719.33	\$12.85	\$.22	15	\$3.30	\$23.10
Licensure Technician II	\$12,246	\$16,327.59	\$7.85	\$.13	10	\$1.30	\$9.10
Total:							\$32.20

The board estimates this licensure process will cost the board approximately \$41.02 annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
 PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: Chapter 2 - General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.010 Application for a License

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 annual cost of compliance with the rule by the affected entities:
6	Applicants (original endowed care license @ \$250)	\$1,500
1	Applicants (original nonendowed care license @ \$100)	\$100
7	Applicants (notary @ \$2.50)	\$17.50
7	Applicants (postage @ \$.34)	\$2.38

Total annual cost for the life of the rule \$1,619.88

III. WORKSHEET

See table above

IV. ASSUMPTIONS

1. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

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

PROPOSED RULE

4 CSR 65-2.050 License Renewal

PURPOSE: This rule outlines the process of renewing a license.

(1) All licenses shall be renewed annually and shall expire on August 31.

(A) Each holder of a license to own or operate a cemetery shall provide the division with a completed renewal application issued by the division and the required annual renewal fee. The renewal application shall contain updated information since the preceding application/renewal period.

(B) The division shall mail a renewal application to the last known address of each current holder of a license to own or operate a cemetery prior to the renewal date.

(C) Failure to receive a renewal notice shall not relieve the holder of a license to own or operate a cemetery of the obligation to renew the license and pay the required fee prior to the expiration date of the license.

(D) Deposit of the renewal fee by the division shall not indicate acceptance of the renewal application or that any licensing requirements have been fulfilled.

(E) Renewals shall be postmarked no later than the expiration date of the license, or if the expiration date is a Sunday or a federal holiday, the next day.

(2) The license issued to the owner or operator of a cemetery which is not renewed within three (3) months after the license renewal date shall be suspended automatically. The holder of such a license shall have the right to have the suspended license reinstated within nine (9) months of the date of suspension if the person pays the required reinstatement fee and complies with all other renewal requirements set forth above. A license that is suspended and not reinstated within nine (9) months of the suspension shall expire and be void and the holder of such license shall have no rights or privileges provided to holders of valid licenses. Any person whose license has expired may be re-registered or reauthorized under the original license number upon demonstration of current qualifications and payment of the following required fees: original licensure fee and renewal fees and reinstatement fees for each unpaid renewal period for which the holder of the license owned or operated the cemetery.

(3) Applicants that are approved for renewal will receive one (1) license. Duplicate licenses may be provided upon payment of the appropriate fee pursuant to rules promulgated by the division.

AUTHORITY: sections 214.275.4 and 214.276, RSMo as amended by HB 567 (2001). Original rule filed Sept. 28, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated one thousand seventy-seven dollars and ninety cents (\$1,077.90) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated thirty-three thousand one hundred fifty-five dollars and eight cents (\$33,155.08) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the

rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Endowed Care Cemeteries, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. 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.

**FISCAL NOTE
 PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: 2 - General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.050 License Renewal

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Endowed Care Cemeteries (annual renewal)	\$1,077.90
Total Cost Per Year for the Life of the Rule	
	\$1,077.90

III. WORKSHEET

LICENSE RENEWAL COST

The office estimates 162 licenses will be renewed annually. The following is a breakdown of expense and equipment costs associated with renewing a license.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	162	\$24.30
Envelope for Mailing Renewal Application	\$.16	162	\$25.92
Envelope for Mailing Renewal Application	\$.16	162	\$25.92
Postage for Mailing Renewal Application	\$.34	162	\$55.08
License Printing Cost	\$.11	162	\$17.82
License Mailing Cost	\$.34	162	\$55.08
Total:			\$204.12

Renewal applications are processed by the division central processing unit. Based on figures from boards of similar size, the office estimates transferring \$519 annually to the division for this service.

After the renewals are processed in the central processing unit, the applications are forwarded to the board for review by the Licensure Technician II who reviews the application and updates the information contained on the renewal to the licensing computer system. The Executive Director reviews each cemetery's annual reports of the endowed care fund's operation and reviews any questions or problems on renewals and addresses those problems with necessary action through correspondence or telephone calls.

Staff resources are shared with two other boards. The figures below represent the personal service costs paid by the Office of Endowed Care Cemeteries.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$20,040	\$26,719.33	\$12.85	\$.22	7	\$1.54	\$249.48
Licensure Technician II	\$12,246	\$16,327.59	\$7.85	\$.13	5	\$.65	\$105.30
Total:							\$354.78

The board estimates this renewal process will cost the board approximately \$1,077.90 annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
 PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: 2 - General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.050 License Renewal

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 annual cost of compliance with the rule by the affected entities:
162	Licensees (renewal @ \$50)	\$8,100
162	Licensees (assessment for each internment, inurnment or other disposition of human remains @ \$1.00 each— estimated 25,000 dispositions annually)	\$25,000
162	Licensees (postage @ \$.34)	\$55.08
Total annual cost for the life of the rule		\$33,155.08

III. WORKSHEET

See table above

IV. ASSUMPTIONS

1. It is not possible to estimate all costs associated with service charges that a licensee could incur for financial institutions managing an endowed care fund.
2. The assessment figures were calculated based on figures received from the Missouri Cemetery Association. The Office of Endowed Care Cemeteries understands that some dispositions will take place in cemeteries that the office does not have jurisdiction over, therefore, the office will not be able to collect a fee.
3. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 5—Fees**

PROPOSED AMENDMENT

4 CSR 250-5.020 Application and License Fees. The commission is proposing to delete existing language in subsections (2)(D) and (3)(E) and add new language in subsections (2)(D), (2)(E), (3)(E) and (3)(F).

PURPOSE: The purpose of this amendment is to bring the regulations in conformity with the recent statutory changes to section 339.090, RSMo as amended in House Bill 567 of the 91st General Assembly.

(2) The following fees shall be paid for original issuance:

(C) Partnership, Association, Corporation or Professional Corporation	\$ 80.00
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[and

(D) For each nonresident broker or salesperson license, the fee shall be equal to the fee a Missouri resident would pay for a similar license in the nonresident's state of domicile.]

(D) Nonresident Broker, Inactive Broker, Broker-Partner, Broker-Associate, Broker-Officer, Broker-Salesperson, Partnership, Association, Corporation or Professional Corporation	\$150.00
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and

(E) Nonresident Salesperson	\$100.00
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(3) The following fees shall be paid for renewal of licenses:

(D) Delinquent Fee	\$50.00
(per month or partial month elapsed since date of expiration not to exceed a maximum delinquent fee)	\$200.00

[and

(E) For each nonresident broker or salesperson license, the fee shall be equal to the fee a Missouri resident would pay for a similar license in the nonresident's state of domicile.]

(E) Nonresident Broker, Inactive Broker, Broker-Partner, Broker-Associate, Broker-Officer, Broker-Salesperson, Partnership, Association, Corporation or Professional Corporation	\$150.00
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and

(F) Nonresident Salesperson and Inactive Salesperson	\$100.00
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AUTHORITY: sections 339.090, as amended by HB 567 (2001) and 339.120, RSMo [Supp. 1993] 2000. Original rule filed Jan. 16, 1979, effective April 12, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 28, 2001.

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

PRIVATE COST: This proposed amendment will cost private entities an annual increase of approximately one thousand five hundred seventy-one dollars (\$1,571) for the life of the amendment. It is anticipated that the total costs will recur annually for the life of the amendment, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight

Committee. This proposed amendment will also cost private entities an estimated fifty-eight thousand one hundred seventy-nine dollars (\$58,179) biennially for the life of the amendment. It is anticipated that the total costs will recur biennially for the life of the amendment, may vary with inflation and are expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this amendment, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 250 - Missouri Real Estate Commission

Chapter: Chapter 5 - Fees

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 250-5.020 Application and License Fees.

II. SUMMARY OF FISCAL IMPACT

ANNUAL COST SAVINGS

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate annual increase by the affected entities:
119	Original Applicants (Nonresident Broker, Inactive Broker, Broker-Partner, Broker-Associate, Broker-Officer, Broker-Salesperson, Partnership, Association, Corporation or Professional Corporation – annual increase - \$31.00)	\$3,689
353	Original Applicants (Nonresident Salesperson – annual cost savings of \$6.00)	(\$2,118)
Total annual cost for the life of the rule		\$1,571

BIENNIAL COST INCREASE

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate biennial increase of compliance with the rule by the affected entities:
1,779	Renewal Applicants (Nonresident Broker, Inactive Broker, Broker-Partner, Broker-Associate, Broker-Officer, Broker-Salesperson, Partnership, Association, Corporation or Professional Corporation – increase of \$23.00)	\$40,917
2466	Renewal Applicant (Nonresident Salesperson and Inactive Salesperson – annual cost increase of \$7.00)	\$17,262
Total biennial cost increase for the life of the rule		\$58,179.00

III. WORKSHEET

See table above

IV. ASSUMPTIONS

1. This proposed amendment will cost private entities an estimated \$1,571 annually for the life of the rule. It is anticipated that the total savings will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.
2. This proposed amendment will also cost private entities an estimated \$58,179 biennially for the life of the rule. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

*[Division 30—Division of School Services
Chapter 340—Academically Deficient Schools]*

Division 50—Division of [Instruction] School Improvement

Chapter 340—[Supervision of Instruction] School Improvement and Accreditation

PROPOSED AMENDMENT

5 CSR [30]50-340. [010]110 Policies and Standards Relating to Academically Deficient Schools. The State Board of Education is proposing to amend the rule number, chapter and division titles, and subsections (1)(C) and (2)(D).

PURPOSE: The amendment will enable adequate recruitment of required numbers of audit and management team members and will reduce the costs of implementing the rule. It also updates the authority from the readopted rule.

(1) For purposes of this rule—

(C) "State-determined academically deficient school" shall mean a concerned school whose MAP results for two (2) consecutive testing years place the school in the lowest fifty (50) schools when considering the percent of students who score in Step 1 and *[progressing]* **Progressing** on the MAP and who are identified as academically deficient by the State Board of Education;

(2) Determination of academically deficient schools by the state—

(D) Within sixty (60) days of identification of a concerned school, the State Board of Education shall appoint an audit team of at least ten (10) people as described in section 160.538.2(4), RSMo, and designate the chairperson of the committee for any school identified in the lowest fifty (50) as determined by subsections (2)(A), (B) and (C). *[A member of an audit or management team cannot be from an adjoining school district.]* A Department of Elementary and Secondary Education state supervisor cannot be on a team relating to an academically deficient school in a school district which she/he supervises;

AUTHORITY: sections [160.538.1 and 160.538.2] 160.538 and 161.092, RSMo [Supp. 1998] 2000. Original rule filed Sept. 5, 1996, effective March 30, 1997. Rescinded and readopted: Filed March 22, 1999, effective Sept. 30, 1999. Amended: Filed Sept. 27, 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 Department of Elementary and Secondary Education, Ginny Vandelight, Assistant Director, School Improvement and Accreditation, PO Box 480, Jefferson City, MO 65102-0480. 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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

**Division 60—Vocational and Adult Education
Chapter 120—Vocational Education**

PROPOSED RESCISSION

5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program. This rule established minimum requirements for the administration of the Vocational-Technical Education Enhancement Grant Award Program.

PURPOSE: This rule is being rescinded and resubmitted as changes are being proposed. Rescission is necessary due to changes in the fiscal note.

AUTHORITY: section 178.585, RSMo Supp. 1999. Original rule filed Nov. 10, 1993, effective June 6, 1994. Amended: Filed Nov. 22, 1994, effective June 30, 1995. Amended: Filed July 7, 2000, effective Feb. 28, 2001. Rescinded: Filed Oct. 19, 2001.

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

PRIVATE COST: This proposed rescission 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 rescission with the Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. 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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

**Division 60—Vocational and Adult Education
Chapter 120—Vocational Education**

PROPOSED RULE

5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program

PURPOSE: This rule establishes minimum requirements for the administration of the Vocational-Technical Education Enhancement Grant Award Program.

(1) The Vocational-Technical Education Enhancement Grant Award Program shall be administered by the Division of Vocational and Adult Education (division), Department of Elementary and Secondary Education (DESE), which has the authority to determine grant award criteria and annual grant amounts.

(2) Eligible institutions shall include public high schools, area vocational-technical schools and community colleges that operate DESE-approved occupational preparatory (long-term) vocational education programs. Grant awards shall be made under the following conditions:

(A) Seventy-five percent (75%) of grant funds shall be expended for new programs, curriculum enhancement or instructional equipment that address demand occupations that have been determined to be in critical shortage, as published by the division. The remaining twenty-five percent (25%) or less of the grant may be used for these purposes, as well as facility improvement without regard for demand occupations. A grant recipient shall expend at least twenty-five percent (25%) matching funds from local sources for all grant funds expended for instructional equipment. A grant recipient shall expend at least fifty percent (50%) matching funds from local sources for all other grant fund expenditures;

(B) An advisory committee with no fewer than twelve (12) members shall be established by each eligible institution prior to a

grant award. This committee shall be composed of at least two (2) members representing each of the following groups: business persons, labor leaders, parents, senior citizens, community leaders and teachers. The committee shall assist the grant recipient with the development of a plan which will ensure that graduates proceed to a two (2)- or four (4)-year college/university or a high wage job with workplace skill development opportunities. This plan shall be developed prior to the close of the fiscal year that the grant recipient receives an initial grant under this grant award program. Eligible institutions that apply for grant funds after receiving an initial grant award shall submit a description of the accomplishments made toward the implementation of their initial plan and any modifications to their initial plan; and

(C) A budget shall be developed which details all major expenditure categories and itemizes all equipment purchases. Equipment purchases with grant funds shall:

1. Have prior approval of the division; and
2. Be appropriate to the instructional content of the vocational education course or program.

(3) A request for proposals will be made available to eligible institutions by the division for each fiscal year. Applicants must develop a grant proposal and forward it to the division no later than the published date in order to receive consideration. Grant awards will be effective July 1 of each year.

(4) Grant proposals must contain at least the following:

(A) The name and address of the institution and school or community college district applying for a grant award;

(B) A statement of commitment to implement the content of the grant proposal bearing the signature of the chief administrator of the school or community college district submitting the grant proposal;

(C) A description of how the funds made available by this grant award program will be used to enhance the vocational education offering at the institution and address demand occupations;

(D) A detailed, line item budget of anticipated local and grant fund expenditures;

(E) An assurance that fiscal control, property management control and fund accounting procedures are provided;

(F) An assurance that funds from local sources will be allocated and expended for the purposes delineated in the grant proposal in an amount equal to or greater than twenty-five percent (25%) for all instructional equipment and equal to or greater than fifty percent (50%) for all other grant award expenditure;

(G) An assurance that seventy-five percent (75%) of grant funds will be expended for new programs, curriculum enhancement or instructional equipment that address demand occupations;

(H) An assurance that the grant recipient will comply with all reporting requirements of the department relating to this grant award program;

(I) An assurance by secondary school districts that student performance standards will be established within the district that lead to or qualify students for graduation, and that these standards meet or exceed the Show-Me Standards;

(J) An assurance that prior to the close of the fiscal year of the grant award a plan will be developed with the assistance of the prescribed advisory committee, to ensure that graduates proceed to a two (2)- or four (4)-year college/university or a high wage job with workplace skill development opportunities;

(K) A listing of the advisory committee members and the category that they represent;

(L) The title and classification of instructional programs (CIP) code of any occupational preparatory (long-term) vocational education program for which grant funds will be expended; and

(M) A complete application for new or expanding regular vocational education programs, if an occupational preparatory (long-

term) vocational education program is being established or expended with grant funds.

(5) The division will review all grant proposals submitted by eligible institutions based upon the extent to which:

(A) The proposed programs, services and activities enhance vocational education;

(B) The proposed programs, services and activities address demand occupations; and

(C) A complete grant proposal is received prior to the proposal deadline.

(6) The division will give priority to eligible institutions that have not previously received a grant award.

(7) Beginning July 1, 1994, the commissioner of education shall request from the director of the Division of Workforce Development, Department of Economic Development, an annual listing of demand occupations in the state, including substate projections. The listing shall include those occupations for which, in the judgment of the director of the Division of Workforce Development, there are critical shortages to meet present and future employment needs necessary to the economic growth and competitiveness of the state. The division will publish the list of demand occupations annually in its request for proposals.

(8) The assistant commissioner for Vocational and Adult Education may set aside up to ten percent (10%) of the monies appropriated for regional or statewide projects. The projects shall:

(A) Enhance the delivery system of vocational-technical education;

(B) Integrate academic and vocational-technical education; or

(C) Improve the articulation of vocational-technical programs at secondary and postsecondary institutions.

AUTHORITY: sections 161.092 and 178.585, RSMo 2000. Original rule filed Nov. 10, 1993, effective June 6, 1994. Amended: Filed Nov. 22, 1994, effective June 30, 1995. Amended: Filed July 7, 2000, effective Feb. 28, 2001. Rescinded and readopted: Filed Oct. 19, 2001.

PUBLIC COST: This proposed rule will cost the Department of Elementary and Secondary Education an estimate of \$18,000,000 for Fiscal Year 2002, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly. The school matching fund cost is estimated to be \$5,400,000 for Fiscal Year 2002, with cost recurring annually for the life of the rule.

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 a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. 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.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 60 - Division of Vocational and Adult Education

Chapter: 120 - Vocational Education

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program

II. SUMMARY OF FISCAL IMPACT

The current public cost of this rule for the Department of Elementary and Secondary Education is estimated to be \$18,000,000 for Fiscal Year 2002, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly.

The grant money is distributed to vocational programs at public comprehensive high schools, area vocational schools, and community colleges.

The school matching fund cost is estimated to be \$5,400,000 for Fiscal Year 2002, with the cost recurring annually for the life of the rule.

III. WORKSHEET

The Department of Elementary and Secondary Education administers the Vocational-Technical Education Enhancement Grant Award Program. The grant award program provides financial assistance to improve vocational education programs at public comprehensive high schools, area vocational schools, and community colleges operated by local education agencies.

The school matching fund cost is estimated to be \$5,400,000 with the equipment cost being eighty percent (80%) of the appropriation amount with the schools being responsible for twenty five percent (25%) as matching funds (.80 X .25=\$3,600,000), and the other cost being twenty percent (20%) of the appropriation amount with the schools being responsible for fifty percent (50%) as matching funds (.20 X .50=\$1,800,000). The total of the equipment and other matching funds for the schools is \$5,400,000.