

Volume 26, Number 24
Pages 2339-2468
December 17, 2001



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

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

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

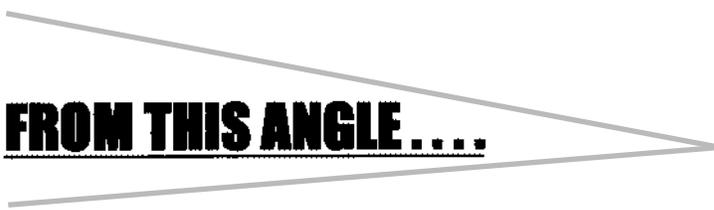
The rules are cited in the *Code of State Regulations* in this system—

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

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

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

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



FROM THIS ANGLE....

Forms? Are yours up-to-date?

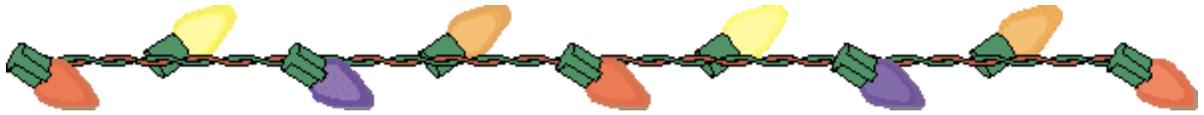
When was the last time you looked at your forms in the *Code of State Regulations*? Many agencies are reevaluating the need for printing forms in their rules in *Code*. The reason for most agencies changing this practice is because the forms printed in *Code* are out-of-date and do not represent the current form being utilized by their agency. When you are considering rule revisions, please pay special attention to your forms. Many agencies are referring their users to downloadable, fillable forms from their website, thus ensuring the most current form is utilized. You must, of course, refer to your web address within the text of your rule in *Code*.

Delegation of Authority

Just *another* reminder . . . please send in your updated delegation of authority. We still are experiencing individuals arriving to file rules for whom we do not have delegation of authority. We must either insist on the proper delegation being sent or refuse to accept your rule filings. This delegation will extend to *all phases* of the rulemaking process, from the cover letter, to the transmittal to the actual rulemakings. Thanks for your cooperation in this regard — this is for the protection of your agency, as well as our agency and will ensure that rulemakings for your agency are filed only by authorized personnel.

Coming soon . . .

We are in the processing of attempting to make the new rulemaking manual, *Rulemaking 1-2-3, Missouri Style*, available to you on our web site. Watch for an electronic version of this very useful tool in the near future!



A Very Merry Christmas and a Happy New Year

The Administrative Rules Staff wants to take this opportunity to extend to each of you our best wishes for a blessed holiday season!! We hope your Christmas will be bright and your New Year a happy, safe and prosperous one.

Barbara McDougall

Sally Reid

Jim McClure

Lynne C. Angle

Lynne C. Angle,
Director, Administrative Rules Division

Chris M. ...

Sandy Sanders

John C. Stegman

Carla ...
Wilbur ...

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 10—Missouri State Board of Accountancy Chapter 2—General Rules

EMERGENCY RULE

4 CSR 10-2.022 Provisional License to Practice

PURPOSE: The purpose of this proposed rule is to set forth requirements for substantial equivalency and provisional licensure for certified public accountants from other states who want to practice public accounting in Missouri but are not relocating to this state.

EMERGENCY STATEMENT: The emergency rule sets forth requirements for obtaining a provisional license to practice public accounting in Missouri. Under the Missouri Accountancy Act, the legislature granted out-of-state certified public accountants the privilege to practice in Missouri on limited basis upon providing notice and meeting substantial equivalency requirements. Absent a rule setting forth provisional licensure requirements, the board will not be able to adequately regulate these individuals and will have no ability to discipline these individuals for actions in Missouri. Both functions are vital to the board's ability to adequately protect the public welfare. In addition, the absence of an emergency rule

may grant these individuals' rights and privileges not permitted to Missouri certified public accountants under Chapter 326, RSMo.

Until such a rule is promulgated, the framework the Legislature envisioned cannot be realized. This outcome may be detrimental to persons the Legislature intended to permit to practice and to the public who could utilize those services. In our opinion, there is cause for the board to find that there exists an immediate danger to the public welfare and a compelling governmental interest, which requires emergency action to set an early effective date for this rule. Without an emergency rule, the following could occur on or after the August 28, 2001, effective date:

—The board would be prohibited from determining which states' licensing requirements are substantially equivalent to Missouri's. This prohibition leads to two undesirable outcomes would increase the unauthorized practice of public accountancy:

A) Without a substantial equivalency rule, any person licensed by other accountancy boards could practice in Missouri under section 326.283 regardless of whether the person came from a state that was substantially equivalent. Based on information received from the Executive Director of the National Association of State Boards of Accountancy, 41 states purport to have substantial equivalency, however, as few as 12 states are truly compliant. Thus, up to thirty-seven (37) states may not be substantially equivalent to Missouri, yet certified public accountants in those states could still practice in Missouri until a rule is issued.

B) At the other end of the spectrum, until a board rule is issued, certified public accountants from other states that are substantially equivalent may not be able to enter Missouri to practice which would deny them a right afforded by law and thwart the Legislature's intent.

Either outcome could harm the public, which relies upon the board to regulate and monitor the accountancy profession. This harm would likely be especially acute in the St. Louis and Kansas City areas where large population centers border other states.

—The board may be unable to discipline or otherwise police certified public accountants from other states who enter Missouri to practice. Under the board's disciplinary authority, the license not the person is disciplined under section 326.310, RSMo. Until a rule is issued, there is no provisional license upon which discipline could be imposed. While the board does have injunctive relief powers, it is uncertain that these powers could be used against a group of individuals the Legislature has afforded the right to practice to. Alternatively, if the injunctive powers are applicable, their use would be sweeping and would impact persons the Legislature intended to permit to practice.

—The board will be unable to fulfill one of the primary duties of its office, that of administering licenses to individuals who by statute are qualified to practice certified public accountancy.

—Consumers of certified public accountant services, which in today's society ranges from a simple tax return preparation to financial adviser to attest services, will be denied the services and expertise of otherwise qualified individuals from other states, which may impact the financial welfare of the public.

This situation is similar to one faced in 1999 by the Credit Union Commission. The Commission is also a state agency within the Department of Economic Development. In July 1999, an emergency rule (4 CSR 105-3.020) was enacted setting forth criteria for additional membership groups after Legislature enacted legislation expanding membership categories. The Commission noted the

detrimental impact to the entities that the Legislature intended to expand membership coverage to and to the consumer public who would be denied the benefits of these entity's inclusion as cause for finding an immediate danger to the public welfare and a compelling governmental interest.

The board has weighed the compelling governmental interest against the due process rights of the public to notice and comment. A regular rule will be filed. Formal notice and comment opportunities will be provided through the regular rulemaking process. The board also believes this emergency rule is fair to all interested parties affected by the circumstances. This emergency rule has been reviewed by the Missouri Society of Certified Public Accountants. This emergency amendment was filed November 15, 2001, effective November 25, 2001, expires May 23, 2002.

(1) The board shall issue a provisional license to an applicant:

(A) Whose principal place of business is not in this state, and:

1. Who has a valid license to practice public accountancy from any state whose licensing requirements are determined by the board to be substantially equivalent to the Missouri Accountancy Act, or

2. Who has a valid license to practice public accountancy from any state and whose individual qualifications are substantially equivalent to the licensure requirements of sections 326.250 to 326.331, RSMo; and

(B) Who notifies the board in writing of his/her intent to practice in Missouri; and

(C) Who pays a non-refundable fee of one hundred fifty dollars (\$150) to the board.

(2) The provisional license shall be effective for twelve (12) months from the date of issuance.

(3) To provide reviews, compilations and attest services, the provisional licensee must do so through a firm registered in this state.

AUTHORITY: sections 326.256.1(9) and 326.283.1(1), RSMo, as amended by House Bill 567 (2001). Emergency rule filed Nov. 15, 2001, effective Nov. 25, 2001, expires May 23, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 10—Missouri State Board of Accountancy Chapter 2—General Rules

EMERGENCY AMENDMENT

4 CSR 10-2.041 Eligibility Requirements for the C.P.A. Examination. The board is proposing to amend subsection (2)(C) of this rule.

PURPOSE: The purpose of this emergency amendment is to set forth the educational requirements for a concentration in accounting for applicants who wish to sit for the certified public accountant (CPA) exam.

EMERGENCY STATEMENT: This emergency rule sets forth the educational concentration eligibility requirements for new applicants sitting for the certified public accountant examination. Under prior law, the Legislature unintentionally delegated to colleges and universities the power to determine educational concentration levels necessary for licensure. Under the Missouri Accountancy Act, the Legislature returned to the board to power to determine educational concentration levels. However, the current rule is based on the prior law and does not permit the board to make such determinations. Absent an amendment to the rule, applicants with varying educational concentrations will be permit-

ted to sit for the CPA exam. Because of the length of the regular rulemaking process, applicants will be able to sit for the May 2002 examination without adequate educational qualifications. As a result, the public will be harmed since the board will be prevented from ensuring that only those applicants with adequate educational concentrations are permitted to sit for the CPA exam.

For these reasons, the board finds that the absence of rule creates an immediate danger to the public welfare and warrants the issuance of an emergency rule. The board also finds that the issuance of a rule is necessary to the primary function of licensure issuance and regulation and therefore creates a compelling governmental interest for an early effective date. The board has weighed the compelling governmental interest against the due process rights of the public to notice and comment. A regular rule will be filed. Formal notice and comment opportunities will be provided through the regular rulemaking process. The board also finds that the emergency rule is fair to all interested parties affected by the circumstances. The Missouri Society of Certified Public Accountants has reviewed the emergency rule. This emergency amendment was filed November 15, 2001, effective November 25, 2001, expires May 23, 2002.

(2) The equivalent of a concentration in accounting shall be determined in the following manner:

(C) For candidates whose applications for initial examination were postmarked on or after June 30, 1999, **the concentration or major in accounting, or** the equivalent of a concentration in accounting shall be sixty (60) semester hours or ninety (90) quarter hours of accounting and other related courses. At least twenty-seven (27) semester hours or forty (40) quarter hours shall be accounting courses with at least one (1) course in auditing and at least eighteen (18) semester hours or twenty-seven (27) quarter hours of accounting courses taken at the upper division level. Principles of accounting (or introductory accounting) courses will not be credited toward the required number of hours of accounting courses, but may be credited toward the other related courses. **For the purposes of this rule "upper division level" courses shall mean courses taken beyond the elementary level.** The remaining thirty-three (33) semester hours or fifty (50) quarter hours shall be in accounting or other areas of business administration such as business law, statistics, economics, finance, marketing, management, data processing and business communications. These courses shall be taken at an accredited college or university recognized by the board.

AUTHORITY: sections 326.110, RSMo [Supp. 1997] 2000 and 326.280.1(4), RSMo, as amended by House Bill 567 (2001). Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 15, 2001, effective Nov. 25, 2001, expires May 23, 2002. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 10—Missouri State Board of Accountancy Chapter 2—General Rules

EMERGENCY AMENDMENT

4 CSR 10-2.061 Requirements for an Initial Permit to Practice. The board is amending 4 CSR 10-2.061 with the addition of sections (11), (12), (13), and (14).

PURPOSE: The purpose of this amendment is to set forth the experience requirements for initially licensed certified public accountants, and for certified public accountants providing reviews, compilations, and attest services.

EMERGENCY STATEMENT: *This emergency rule sets forth the experience requirements for determining the competency of licensees, initially licensed on or after August 28, 2001, who will perform attest, review and compilation services or who will sign attestation reports as mandated by section 326.289.4(3), RSMo. The emergency rule also sets forth the experience requirements for verifying an applicant's first year of experience as mandated by section 326.280.1(6), RSMo. Under prior law, the board had promulgated detailed rules setting forth experience requirements for licensees. With the enactment of the Missouri Accountancy Act, the authority for these prior rules was rescinded and replaced with a different statutory framework. Until a new rule is promulgated, the board believes it will be severely frustrated in its ability to protect the public welfare from certified public accountants that are not adequately qualified to practice public accountancy. Public welfare is defined as the prosperity, well-being or convenience of the public at large. Public welfare, in the development of our civic life, includes the economic interest and economic welfare of the public at large. Courts have long recognized that accountants play a special role in society in ensuring confidence in our financial processes and institutions. Thus, the board believes a well-regulated certified public accountancy profession is essential to this concept of public welfare. Without an emergency rule, the following could occur on or after the August 28, 2001, effective date:*

- *The board will not be able to implement competency requirements to ensure adequate qualifications for licensees who perform attest, review and compilation services or who will sign attestation reports. Attest, review and compilation services are common services that the public relies upon for various financial purposes ranging from business valuation, business forecasting, tax planning, retirement and investment. In the absence of a rule, the public may be harmed from unqualified licensees who perform these types of services.*
- *The board will not be able to verify that new applicants have obtained the necessary one year of experience involving the use of accounting, attest, review, compilation, management advisory, financial advisory, tax or consulting skills including governmental accounting, budgeting or auditing. In the absence of this rule, the board will be prohibited from issuing a license to new applicants. However, these individuals will still possess the statutory right to appeal the denial to the Administration Hearing Commission as permitted under section 326.310.1, RSMo, and Chapter 621, RSMo. In the absence of a rule setting forth verification requirements, the Administrative Hearing Commission may read away that portion of section 326.280.1, RSMo and grant a new license. As a result, the public would be harmed because no verification structure was in place to ensure that a licensee had adequate experience to practice public accountancy. In addition, the board may also face economic costs from such an appeal because successful litigants could recover any attorney's fees incurred.*

For these reasons, the board finds that the absence of a rule creates an immediate danger to the public welfare and warrants the issuance of an emergency rule. The board also finds that the issuance of a rule is necessary to the primary function of licensure issuance and regulation and therefore creates a compelling governmental interest for an early effective date. The board has weighed the compelling governmental interest against the due process rights of the public to notice and comment. A regular rule will be filed. Formal notice and comment opportunities will be provided through the regular rulemaking process. The board also finds that the emergency rule is fair to all interested parties affected by the circumstances. The Missouri Society of Certified Public Accountants has reviewed the emergency rule. This emergency amendment was filed November 15, 2001, effective November 25, 2001, expires May 23, 2002.

(11) On or after August 28, 2001 the board shall require as a condition for licensure, the verification of experience as provided for by section 326.280.1(6), RSMo. A licensee from this or another state shall verify on a form provided by the board:

(A) The applicant has one (1) year of experience consisting of full or part-time employment that extends over a period of no less than one (1) year and no more than three (3) years and includes no fewer than two-thousand (2,000) hours of performance of services as described in 326.280.1(6) RSMo; and

(B) The applicant has acceptable experience, which may include employment in industry, government, academia or public practice.

The board may look at such factors as the complexity and diversity of the work.

(12) In accordance with 326.289.4(3) any individual licensee who was initially licensed on or after August 28, 2001, and who is responsible for supervising attest services or signs or authorizes someone to sign attestation reports on behalf of a firm, shall have an additional year of experience, which includes attest services, consisting of full or part-time employment that extends over a period of no less than one (1) year and no more than three (3) years and includes no fewer than two-thousand (2,000) hours of performance of services. The experience shall be under the supervision of a licensee from this or another state. The experience shall consist of either:

(A) Practicing public accounting in a registered accounting firm; or

(B) Practicing as an auditor, employed by a local, state, or federal government entity, devoted principally to the comprehensive application of generally accepted accounting principles or generally accepted government auditing standards to diversified field examinations.

(13) In accordance with 326.289.4(3) any licensee who was initially licensed on or after August 28, 2001, and who is responsible for supervising, or signs or authorizes someone to sign reviews or compilations shall have a year of experience consisting of full or part-time employment that extends over a period of no less than one (1) year and no more than three (3) years and includes no fewer than two-thousand (2,000) hours of performance of services as described in 326.280.1(6) RSMo. Acceptable experience shall include employment in industry, government, academia or public practice. The board may look at such factors as the complexity and diversity of the work.

(14) Evidence Of Applicant's Experience.

(A) Any licensee who has been requested by an applicant to submit to the board evidence of the applicant's experience and has refused to do so shall, upon request by the board, explain in writing or in person the basis for such refusal.

(B) The board may require any licensee who has furnished evidence of an applicant's experience to substantiate the information.

(C) Any applicant may be required to appear before the board to supplement or verify evidence of experience.

(D) The board may inspect documentation relating to an applicant's claimed experience.

AUTHORITY: *sections 326.110, [RSMo Supp. 1996 and] 326.170[, RSMo 1994] and 326.289.4(3), RSMo 2000 as amended by House Bill 567 (2001). Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 15, 2001, effective Nov. 25, 2001, expires May 23, 2002. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 10—Missouri State Board of Accountancy Chapter 2—General Rules

PROPOSED RULE

4 CSR 10-2.022 Provisional License to Practice

PURPOSE: This rule sets forth requirements for substantial equivalency and provisional licensure for certified public accountants from other states who want to practice public accounting in Missouri but are not relocating to this state as established by HB 567 of the 91st General Assembly.

(1) The board shall issue a provisional license to an applicant:

(A) Whose principal place of business is not in this state, and:

1. Who has a valid license to practice public accountancy from any state whose licensing requirements are determined by the board to be substantially equivalent to the Missouri Accountancy Act; or

2. Who has a valid license to practice public accountancy from any state and whose individual qualifications are substantially equivalent to the licensure requirements of sections 326.250 to 326.331, RSMo; and

(B) Who notifies the board in writing of his/her intent to practice in Missouri.

(2) The provisional license shall be effective for twelve (12) months from the date of issuance.

(3) To provide reviews, compilations and attest services, the provisional licensee must do so through a firm registered in this state.

AUTHORITY: sections 326.256.1(9) and 326.283.1(1), RSMo, as amended by House Bill 567 (2001). Emergency rule filed Nov. 15, 2001, effective Nov. 25, 2001, expires May 23, 2001. Original rule filed Nov. 15, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated three hundred fifty-eight dollars (\$358) annually for the life of the rule. It is anticipated that the total annual cost will recur 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 will cost private entities an estimated fifteen thousand dollars (\$15,000) annually for the life of the rule. It is anticipated that the total annual cost will recur 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. 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: 10 – Missouri State Board of Accountancy

Chapter: 2 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 10-2.022 Provisional License to Practice

Fiscal note prepared November 14, 2001.

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri State Board of Accountancy (provisional license to practice)	\$358.00

Total annual cost for the life of the rule \$358.00

The board estimates that 100 individuals will apply for provisional licensure to practice 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	\$.15	100	\$15.00
Envelope for Mailing Application	\$.16	100	\$16.00
Postage for Mailing Application	\$.34	100	\$34.00
License Printing Cost	\$.15	100	\$15.00
Envelope for Mailing License	\$.16	100	\$16.00
Postage for Mailing License	\$.34	100	\$34.00

Total expense and equipment costs associated with printing and mailing the applications for licensure to applicants: \$130.00

Applications are processed by the Licensing Technician I who reviews the initial application for licensure, updates the information contained on the application to the computerized licensing system and issues the license. The Clerk IV reviews any questions or problems on the application and addresses those problems with necessary action such as correspondence or telephone calls.

The figures below represent the personal service costs paid by the Missouri State Board of Accountancy for the provisional licensure process.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL BIENNIAL COST
Clerk IV	\$26,940	\$35,919	\$17.27	\$.29	3 minutes	\$.87	\$87.00
Licensure Technician I	\$19,764	\$26,351	\$12.67	\$.21	7 minutes	\$1.41	\$141.00

Total personal service costs associated with printing and mailing the applications for licensure to applicants: **\$228.00**

IV. ASSUMPTIONS

- The board estimates that 100 individuals will apply annually for a provisional license to practice.
- 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.
- Under current rules and regulations, applicants licensed in another state seeking licensure in Missouri for a brief period of time must complete the initial licensure application process as outlined in 4 CSR 10-2.061.
- 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: 10 - Missouri State Board of Accountancy

Chapter: Chapter 2 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 10-2.022 Provisional License to Practice

Fiscal note prepared November 14, 2001.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
100	Provisional Licensure Applicants (\$150)	\$15,000
Total annual increase for the life of the rule		\$15,000

III. WORKSHEET

- See Table Above

IV. ASSUMPTIONS

- The board estimates that 100 individuals will apply annually for a provisional license to practice.
- Under current rules and regulations, applicants licensed in another state seeking licensure in Missouri for a brief period of time must complete the initial licensure application process as outlined in 4 CSR 10-2.061.
- 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.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 10—Missouri State Board of Accountancy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 10-2.041 Eligibility Requirements for the C.P.A. Examination. The board is proposing to amend subsection (2)(C).

PURPOSE: The purpose of this amendment is to set forth the educational requirements for a concentration in accounting for applicants who wish to sit for the certified public accountant (C.P.A.) exam as established in HB 567 of the 91st General Assembly.

(2) The equivalent of a concentration in accounting shall be determined in the following manner:

(C) For candidates whose applications for initial examination were postmarked on or after June 30, 1999, the concentration or major in accounting, or the equivalent of a concentration in accounting shall be sixty (60) semester hours or ninety (90) quarter hours of accounting and other related courses. At least twenty-seven (27) semester hours or forty (40) quarter hours shall be accounting courses with at least one (1) course in auditing and at least eighteen (18) semester hours or twenty-seven (27) quarter hours of accounting courses taken at the upper division level. Principles of accounting (or introductory accounting) courses will not be credited toward the required number of hours of accounting courses, but may be credited toward the other related courses. For the purposes of this rule "upper division level" courses shall mean courses taken beyond the elementary level. The remaining thirty-three (33) semester hours or fifty (50) quarter hours shall be in accounting or other areas of business administration such as business law, statistics, economics, finance, marketing, management, data processing and business communications. These courses shall be taken at an accredited college or university recognized by the board.

AUTHORITY: sections 326.110, RSMo [Supp. 1997] 2000 and 326.280.1(4), RSMo, as amended by House Bill 567 (2001). Original rule filed Sept. 13, 1978, effective Jan. 13, 1999. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 15, 2001, effective Nov. 25, 2001, expires May 23, 2002. Amended: Filed Nov. 15, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. 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 10—Missouri State Board of Accountancy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 10-2.061 Requirements for an Initial Permit to Practice. The board is proposing to add new sections (11)–(14).

PURPOSE: The purpose of this amendment is to set forth the experience requirements for initially licensed certified public accountants, and for certified public accountants providing reviews, compilations, and attest services.

(11) On or after August 28, 2001 the board shall require as a condition for licensure, the verification of experience as provided for by section 326.280.1(6), RSMo. A licensee from this or another state shall verify on a form provided by the board:

(A) The applicant has one (1) year of experience consisting of full- or part-time employment that extends over a period of no less than one (1) year and no more than three (3) years and includes no fewer than two thousand (2,000) hours of performance of services as described in 326.280.1(6), RSMo; and

(B) The applicant has acceptable experience, which may include employment in industry, government, academia or public practice. The board may look at such factors as the complexity and diversity of the work.

(12) In accordance with section 326.289.4(3), RSMo any individual licensee who was initially licensed on or after August 28, 2001, and who is responsible for supervising attest services or signs or authorizes someone to sign attestation reports on behalf of a firm, shall have an additional year of experience, which includes attest services, consisting of full- or part-time employment that extends over a period of no less than one (1) year and no more than three (3) years and includes no fewer than two thousand (2,000) hours of performance of services. The experience shall be under the supervision of a licensee from this or another state. The experience shall consist of either:

(A) Practicing public accounting in a registered accounting firm; or

(B) Practicing as an auditor, employed by a local, state, or federal government entity, devoted principally to the comprehensive application of generally accepted accounting principles or generally accepted government auditing standards to diversified field examinations.

(13) In accordance with section 326.289.4(3), RSMo any licensee who was initially licensed on or after August 28, 2001, and who is responsible for supervising, or signs or authorizes someone to sign reviews or compilations shall have a year of experience consisting of full- or part-time employment that extends over a period of no less than one (1) year and no more than three (3) years and includes no fewer than two thousand (2,000) hours of performance of services as described in section 326.280.1(6), RSMo. Acceptable experience shall include employment in industry, government, academia or public practice. The board may look at such factors as the complexity and diversity of the work.

(14) Evidence of Applicant's Experience.

(A) Any licensee who has been requested by an applicant to submit to the board evidence of the applicant's experience and has refused to do so shall, upon request by the board, explain in writing or in person the basis for such refusal.

(B) The board may require any licensee who has furnished evidence of an applicant's experience to substantiate the information.

(C) Any applicant may be required to appear before the board to supplement or verify evidence of experience.

(D) The board may inspect documentation relating to an applicant's claimed experience.

AUTHORITY: sections [326.110, RSMo Supp. 1996 and 326.170, RSMo 1994] 326.280.1(6) and 326.289.4(3), RSMo as amended by House Bill 567 (2001). Original rule filed Sept.

13, 1978, Jan. 13 1979. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 15, 2001, effective Nov. 15, 2001, expires May 23, 2002. Amended: Filed Nov. 15, 2001.

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

PRIVATE COST: The 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. 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 10—Missouri State Board of Accountancy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 10-2.160 Fees. The board is proposing to delete subsections (1)(A) and (1)(B), renumber the remaining sections accordingly, amend the newly renumbered subsections (1)(A), (1)(B), (1)(F), (1)(G), add new language in newly renumbered subsection (1)(K), delete subsection (1)(L) and (1)(M) and amend sections (2) and (3).

PURPOSE: This amendment changes various fees charged by the board.

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

- [(A)] **Initial Application for Certificate by Examination Fee—**
 - 1. All parts of exam \$240.00
 - 2. Per part \$ 60.00
- [(B)] **Application for Reexamination Fee—**
 - 1. All parts of exam \$240.00
 - 2. Per part \$ 60.00]
- [(C)] **(A) [Application for Certificate Without Examination Fee] Initial Reciprocity Fee** \$240.00
- [(D)] **(B) [Certificate] License Fee** \$ 25.00
- [(E)] **(C) Professional Corporation Permit Fee—**
 - 1. For licensing period March 1, 1990 to October 31, 1991 \$150.00
 - 2. For licensing period beginning November 1, 1991 and all years after that \$ 90.00
- [(F)] **(D) Firm or Partnership Permit Fee—**
 - 1. For licensing period March 1, 1990 to October 31, 1991 \$150.00
 - 2. For licensing period beginning November 1, 1991 and all years after that \$ 90.00
- [(G)] **(E) Limited Liability Company Permit Fee** \$ 90.00
- [(H)] **(F) Individual [Permit] License Fee (renewal)—**
 - 1. For licensing period March 1, 1990 to September 30, 1991 \$114.00
 - 2. For licensing years beginning October 1, 1991 through September 30, 1997 \$ 72.00
 - 3. For licensing year beginning October 1, 1997 \$ 62.00
 - 4. For licensing years beginning October 1, 1998 and all years after that \$ 50.00
- [(I)] **(G) Individual [Permit] License Fee (initial)—**

- 1. For licensing period March 1, 1990 to September 30, 1991 \$114.00
- 2. For licensing years beginning October 1, 1991 through September 30, 1997 \$ 72.00
- 3. For licensing year beginning October 1, 1997 \$ 62.00
- 4. For licensing years beginning 1998 and all years after that \$ 50.00
- [(J)] **(H) Delinquent fee for failure to obtain a permit or timely renew a permit—**
 - 1. Practice units practicing public accounting in this state (sole proprietors, limited liability companies, partnerships and professional corporations) (per month or portion of a month) \$ 25.00
 - 2. All other certified public accountants and public accountants—
 - A. For applications received prior to October 1997 (per month or portion of a month) \$ 15.00
 - B. For applications received on or after October 1, 1997 (regardless of the length of time) \$100.00
- (I) Provisional License to Practice** \$150.00
- [(K)] **(J) Labels of names and addresses of successful exam candidates** \$20.00 plus 1¢ per record (the purchaser must provide the labels)
- [(L)] **Photocopy Fee—board records (per page)** \$.50
- [(M)] **Research Fee—staff time spent researching and making copies of board records—when more than two (2) hours of staff time is required (per hour)** \$ 10.00]
- [(N)] **(K) Proctoring Fee (proctoring exam candidates for other state boards)** \$ 60.00.

(2) For those individuals applying for their initial [permit to practice] license to practice, the fee shall be the full annual amount if the application is received in the board office prior to April 1 and one-half (1/2) the annual amount if the application is received on or after April 1.

(3) All fees [for subsections (1)(C) through (N) of this rule] are nonrefundable and cannot be applied to another application except under extraordinary circumstances as determined by the board. [Fees for subsections (1)(A) and (B) of this rule are nonrefundable, and cannot be applied to another application except under extraordinary circumstances as determined by the board.]

AUTHORITY: section [326.200] 326.271, RSMo [Supp. 1998] as amended by House Bill 567 (2001). Emergency rule filed Aug. 6, 1981, effective Aug. 16, 1981, expired Dec. 10, 1981. Original rule filed Aug. 6, 1981, effective Dec. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed July 10, 2001, effective July 20, 2001, expires Jan. 15, 2002. Amended: Filed Nov. 15, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. 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 40—Office of Athletics
Chapter 1—General Organization and Procedures**

PROPOSED RESCISSION

4 CSR 40-1.010 General Organization

PURPOSE: This rule described the office and general courses and methods of its operations and the methods and procedures where the public could obtain information or make submissions or requests.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Aug. 28, 1980, effective Dec. 11, 1980. Rescinded and readopted: Filed April 30, 1982, effective Sept. 11, 1982. Amended: Filed March 2, 1989, effective May 11, 1989. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 1—General Organization and Procedures**

PROPOSED RESCISSION

4 CSR 40-1.021 Definitions. This rule defined terms used in Chapter 40 within the *Code of State Regulations*.

PURPOSE: The Office of Athletics is proposing to rescind this rule and propose a new rule to redefine the terms used in this chapter.

AUTHORITY: section 317.006, RSMo 1994. Original rule filed April 30, 1982, effective Sept. 11, 1982. Amended: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Emergency amendment filed Oct. 21, 1996, effective Oct. 31, 1996, expired April 28, 1997. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 1—General Organization and Procedures**

PROPOSED RULE

4 CSR 40-1.021 Definitions

PURPOSE: This rule defines various terms used in these rules.

(1) “Announcer”—a person responsible for announcing the names of the officials, the contestants, the contestants’ weight, and the decisions of the referee and judges during a bout.

(2) “Bout”—one match involving either professional boxing, professional wrestling, professional kickboxing or professional full-contact karate contestants.

(3) “Contest”—a group of bouts involving licensed contestants competing in professional boxing, professional wrestling, professional kickboxing or professional full-contact karate.

(4) “Contestant(s)”—any human being who enters the ring to compete against another human being during a professional boxing, professional wrestling, professional kickboxing, or professional full-contact karate bout.

(5) “Inspector”—a person employed by the Office of Athletics to attend professional boxing, professional wrestling, professional kickboxing, and professional full-contact karate events to ensure that all laws are adhered to by licensees of the Office of Athletics.

(6) “Judge”—a person serving as a member of a panel for professional boxing, professional kickboxing, or professional full-contact karate. The panel is responsible for determining a decision in each bout. Each judge in the panel must reach a decision without conferring with the other judges of the panel.

(7) “Manager”—one who, for compensation, directs or controls the professional activities of any contestant.

(8) “Martial arts”—professional kickboxing or professional full-contact karate.

(9) “Matchmaker”—a person responsible for matching the contestants for a bout(s) as to weight and experience.

(10) “Office”—the Office of Athletics.

(11) “Official”—referees, judges, matchmakers, managers, seconds, announcers, timekeepers and physicians involved in professional boxing, professional wrestling, professional kickboxing or professional full-contact karate contests.

(12) “Permit”—authorization from the office to hold a professional boxing, professional wrestling, professional kickboxing or professional full-contact karate event in the state of Missouri.

(13) “Physician”—a person who is licensed as a doctor of medicine or doctor of osteopathy under Chapter 334, RSMo and who has received a license as a physician from the office for professional boxing, professional wrestling, professional kickboxing, and professional full-contact karate contests.

(14) “Professional boxing”—the sport of attack and defense which uses the fist protected by gloves or mittens fashioned of leather or similar material where contestants compete for valuable consideration. Such contests take place in a rope-enclosed ring and are fought in timed rounds.

(15) "Professional full-contact karate"—any form of full-contact martial arts, including but not limited to, kickboxing, kungfu, tae kwan-do or any form of self-defense conducted on a full-contact basis in a bout or contest where weapons are not used and where contestants compete for valuable consideration. Such contests take place in a rope-enclosed ring and are fought in timed rounds.

(16) "Professional kickboxing"—any form of boxing in which blows are delivered with any part of the arm below the shoulder, including the hand and any part of the leg below the hip, including the foot, and where contestants compete for valuable consideration. Such contests take place in a rope-enclosed ring and are fought in timed rounds.

(17) "Professional wrestling"—any performance of wrestling skills and techniques by two (2) or more professional wrestlers, to which any admission is charged. Participating wrestlers may not be required to use their best efforts in order to win, the winner may have been selected before the performance commences and contestants compete for valuable consideration. Such contests take place in a rope-enclosed ring and are fought in timed rounds.

(18) "Promoter"—a person, association, partnership, corporation, limited liability company, or any form of business entity licensed by the office who arranges, advertises or conducts professional boxing, professional wrestling, professional kickboxing and professional full-contact karate contests and who is responsible for obtaining a permit for each contest and for payment of any state athletic taxes and production right taxes.

(19) "Purse"—the financial guarantee or any other remuneration which contestants receive for participating in a bout. It includes the contestant's share of any payment received for radio broadcasting, television or motion picture rights.

(20) "Referee"—the person in charge of enforcing these rules during any contest involving professional boxing, professional wrestling, professional kickboxing, or professional full-contact karate.

(21) "Second"—an individual who attends to the contestant between rounds.

(22) "Sparring"—boxing for practice or as an exhibition.

(23) "Timekeeper"—a person responsible for keeping accurate time during each bout and also responsible for the knockdown count for professional boxing, professional wrestling, professional kickboxing and professional full-contact karate.

AUTHORITY: sections 317.001 and 317.006, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Amended: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Emergency amendment filed Oct. 21, 1996, effective Oct. 31, 1996, expired April 28, 1997. Rescinded and readopted: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 1—General Organization and Procedures**

PROPOSED RESCISSION

4 CSR 40-1.030 Custodian of Public Records. This rule required Custodian of Public Records to be in compliance with sections 610.010–610.030, RSMo and set forth the written policy regarding the release of information on any decision made by the Department of Economic Development with regard to discipline or procedures of the Office of Athletics.

PURPOSE: This rule is being rescinded to allow the office to adopt a more flexible administrative policy.

AUTHORITY: sections 610.010–610.035, RSMo 1986. Original rule filed June 30, 1989, effective Sept. 28, 1989. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 1—General Organization and Procedures**

PROPOSED RESCISSION

4 CSR 40-1.031 Fees for Document Search and Copying. This rule established and fixed various fees and charges authorized by Chapter 317, RSMo with regard to document search and copying of certain documents in order to comply with sections 610.010–610.030, RSMo.

PURPOSE: This rule is being rescinded pursuant to section 610.026, which states fees for copying records shall not exceed the actual cost of document search and duplication.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed June 30, 1989, effective Sept. 28, 1989. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 2—Licensees and Permits**

PROPOSED RESCISSION

4 CSR 40-2.011 Licensees. This rule described the requirements for obtaining licenses as authorized by 317.006(2), RSMo.

PURPOSE: This rule is being rescinded and readopted to revise the requirements and fees for obtaining licenses.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 2—Licensees and Permits**

PROPOSED RULE

4 CSR 40-2.011 Licensees

PURPOSE: This rule outlines the requirements and fees for obtaining licenses.

(1) All contestants, referees, judges, managers, seconds, physicians, timekeepers, promoters, matchmakers and announcers must apply for and submit the proper fee to be issued a license. All contestants, referees, judges, managers, seconds, physicians, timekeepers, promoters, matchmakers and announcers must be issued a license before participating in a contest.

(2) Each applicant for a license shall complete an application as prescribed by the office. The office will not process any application for a license that does not contain the proper fee and all information required from the applicant. The office will not refund license fees. All licenses expire on June 30 of each even numbered year following the date of issuance.

(3) An applicant for a professional boxing, professional wrestling, professional kickboxing or professional full-contact karate contestant license shall be required to submit to any medical examination or testing ordered by the office.

(4) Each contestant shall consistently use the same name in contests. Each contestant shall provide the office with the contestant's legal name and the ring name, if any, to be used in a professional boxing, professional wrestling, professional kickboxing, or professional full-contact karate bout. The inspector may require all con-

testants to present photo identification prior to competing in the contest.

(5) Licensees must comply with all applicable federal regulations governing professional boxing, professional wrestling, professional kickboxing, and professional full-contact karate.

(6) If a licensee changes his/her name or address they must notify the office in writing within ten (10) days after the change(s) becomes effective. A name change will require legal documentation approving the name change.

(7) The following is a schedule of fees for initial licensure and renewal:

(A) Promoter—Professional	\$400.00
(B) Contestant—Professional	\$ 40.00
(C) Referee—Professional	\$ 50.00
(D) Judge—Professional	\$ 50.00
(E) Matchmaker	\$200.00
(F) Manager	\$100.00
(G) Second	\$ 20.00
(H) Announcer	\$ 20.00
(I) Timekeeper	\$ 20.00
(J) Physician	\$ 0.00

(8) The following is a schedule of fees for federal identification cards:

(A) Initial federal identification card	\$15.00
(B) Duplicate federal identification card	\$10.00

AUTHORITY: section 317.006, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded and readopted: Filed Nov. 15, 2001.

PUBLIC COST: This proposed rule will cost state agencies and political subdivisions an estimated three thousand two hundred thirty dollars and one cent (\$3,230.01) during the first year of implementation of the rule and each year thereafter, one thousand five hundred seventy-six dollars and eighty-six cents (\$1,576.86) annually for the life of the rule and two thousand eight hundred thirty-six dollars and forty cents (\$2,836.40) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and is expected to increase 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 seventeen thousand three hundred fifty dollars and sixty-eight cents (\$17,350.68) annually for the life of the rule and twenty thousand five hundred eighty-one dollars and twenty cents (\$20,581.20) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and is expected to increase 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 Athletics, PO Box 1335, 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.

Referees – Professional	19
Judges – Professional	9
Matchmaker	1
Manager	1
Second	208
Announcer	24
Timekeeper	10
Athletic Physician	1

Total Number of Applicants 503

The following is a breakdown of the expense and equipment costs associated with printing and mailing the initial applications to applicants.

CLASSIFICATION	FEE AMOUNT	NUMBER OF APPLICANTS	TOTAL ANNUAL COST
Application Printing Cost	\$.15	503	\$75.45
Envelope for Mailing Application	\$.16	503	\$80.48
Postage for Mailing Application	\$.34	503	\$171.02
License Printing Cost	\$.15	503	\$75.45
Envelope for Mailing License	\$.16	503	\$80.48
Postage for Mailing License	\$.34	503	\$171.02

Total expense and equipment costs associated with printing and mailing the applications for initial licensure to applicants: **\$643.84**

Applications are processed by the Clerk III who reviews the initial application for licensure and updates the information contained on the application to the computerized licensing system. The Administrator reviews any questions or problems on the application and addresses those problems with necessary action such as correspondence or telephone calls.

The figures below represent the personal service costs paid by the Office of Athletics 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 ANNUAL COST
Administrator	\$41,136	\$53,785	\$25.86	\$.44	7 minutes	\$3.08	\$1,549.24
Clerk Typist III	\$21,192	\$27,708	\$13.33	\$.23	5 minutes	\$1.15	\$578.45

Total personal service costs associated with printing and mailing the applications for initial licensure to applicants: **\$2,127.69**

The office anticipates a decline of approximately 300 licenses in FY02. Therefore, the cost to the office for implementation of this rule is estimated at \$2,771.53 during the first year of implementation and each year thereafter, the board estimates the implementation of this rule to cost approximately \$1,118.38 annually for the life of the rule.

• **Federal Identification Cards**

The office estimates that 50 initial federal identification cards and 20 duplicate federal identification cards will be issued annually.

The following is a breakdown of the expense and equipment costs associated with printing and mailing the initial applications to applicants.

CLASSIFICATION	FEE AMOUNT	NUMBER OF APPLICANTS	TOTAL ANNUAL COST
Envelope for Mailing Card	\$.16	70	\$11.20
Postage for Mailing Card	\$.34	70	\$23.08

Total expense and equipment costs associated with printing and mailing the applications for initial licensure to applicants: **\$34.28**

The Administrator downloading the licensees picture, laminating the card, and mailing the card to the licensee

The figures below represent the personal service costs paid by the Office of Athletics 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 ANNUAL COST
Administrator	\$41,136	\$53,785	\$25.86	\$.44	15 minutes	\$6.06	\$424.20

Total personal service costs associated with printing and mailing the applications for initial licensure to applicants: **\$424.20**

The office anticipates issuing 50 initial federal identification cards and 20 duplicate identification cards per year and estimates this process will cost the office approximately \$458.48 annually for the life of the rule.

Biennial Renewal Licensure Costs

The office estimates that the following number of individuals will apply for renewal licensure each even numbered year.

Promoters- Professional	31
Contestants - Wrestling	500
Referees - Professional	74
Judges - Professional	25
Second	50

Total Number of Applicants 680

The following is a breakdown of the expense and equipment costs associated with printing and mailing the renewal applications to applicants.

CLASSIFICATION	FEE AMOUNT	NUMBER OF APPLICANTS	TOTAL ANNUAL COST
Application Printing Cost	\$.15	680	\$102
Envelope for Mailing Application	\$.16	680	\$108.80
Postage for Mailing Application	\$.34	680	\$231.20
License Printing Cost	\$.15	680	\$102
Envelope to Mail License	\$.16	680	\$108.80
Postage for Mailing License	\$.34	680	\$231.20

Total expense and equipment costs associated with printing and mailing the applications for initial licensure to applicants: **\$884.00**

Renewal applications are processed by the division central processing unit. In FY00 the Office of Athletics transferred \$2,500 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 Clerk Typist III who reviews the application and updates the information contained on the renewal to the licensing computer system. The Administrator reviews any questions or problems on renewals and addresses those problems with necessary action such as correspondence or telephone calls.

The figures below represent the personal service costs paid by the Office of Athletics 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 ANNUAL COST
Administrator	\$41,136	\$54,846	\$26.37	\$.44	7 minutes	\$3.08	\$1,170.40
Clerk Typist III	\$20,772	\$27,696	\$13.32	\$.23	5 minutes	\$1.15	\$782.00

Total personal service costs associated with printing and mailing the applications for initial licensure to applicants: **\$1,952.40**

The office anticipates that this rule will cost the Office of Athletics an estimated at \$2,836.40 biennially for the life of the rule.

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.

- A renewal is not sent to all licenses based on the office's past experience with a low return rate from boxing and marital art contestants, judges, matchmakers, managers, announcers, timekeepers and athletic physicians.
- 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: Department of Economic Development

Division: Division of Professional Registration/Office of Athletics

Chapter: Chapter 2 – Licenses and Permits

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 40-2.011 Licenses

Prepared November 1, 2001 by the Division of Professional Registration and Office of Athletics.

II. SUMMARY OF FISCAL IMPACTAnnual Costs

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4	Promoters (applying for initial licensure - \$400 application fee)	\$1,600
226	Contestants (applying for initial licensure - \$40 application fee)	\$9,040
19	Referees (applying for initial licensure - \$50 application fee)	\$950
9	Judges (applying for initial licensure - \$50 application fee)	\$450
1	Matchmakers (applying for initial licensure - \$200 application fee)	\$200
1	Managers (applying for initial licensure - \$100 application fee)	\$100

208	Seconds (applying for initial licensure - \$20 application fee)	\$4,160
24	Announcers (applying for initial licensure - \$20 application fee)	\$480
10	Timekeeper) (applying for initial licensure - \$20 application fee)	\$200
502	Applicants (postage for mailing applications - \$.34 each)	\$170.68
50	Initial Federal Identification Cards - \$15.00 each)	\$750
20	Duplicate Federal Identification Card - \$10.00 each)	\$200

Total annual cost \$18,300.68
for the life of the rule

Biennial Costs

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
31	Promoters (\$400 renewal fee)	\$12,400
500	Wrestling Contestants (\$40 renewal fee)	\$2,000
74	Referees (\$50 renewal fee)	\$3,700
50	Wrestling Seconds (\$20 renewal fee)	\$1,000
25	Boxing Judges (\$50 application fee)	\$1,250
680	Applicants (postage for mailing applications - \$.34 each)	\$231.20

Total biennial cost \$20,581.20
for the life of the rule

III. WORKSHEET

- See tables above.

IV. ASSUMPTIONS

- The number of entities by class are based on actual figures from FY00 and projected figures in FY01.
- Athletic physicians are not charged a fee for licensure by the Office of Athletics since they are licensed and regulated by the State Board of Registration for the Healing Arts within the Division of Professional Registration. An application for licensure is required so that the office has the name of the athletic physician on file.
- Applicants for professional boxing, professional kickboxing and professional full-contact karate contestant licenses are given notice that they must complete an examination test before any state will license them, therefore, tests are completed before they apply for licensure in Missouri. A medical test would only be required if professional boxing contestants fought in another state and were knocked out or injured and the other state's boxing commission required the medical test before they would be allowed to fight in any state. A fighter may also file the results of the medical tests with a national data bank that can be retrieved by any state commission.
- Title 15 USC 6305 (b) (1) of federal law mandates each boxing commission in the United States to issue federal identification cards.
- A renewal is not sent to all licensees based on the office's past experience with a low return rate from boxing and marital art contestants, judges, matchmakers, managers, announcers, timekeepers and athletic physicians. These licensees typically maintain licensure for a brief period of time.
- It is anticipated that 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.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 2—Licensees and Permits**

PROPOSED RESCISSION

4 CSR 40-2.021 Permits. This rule described the requirements for obtaining permits for exhibitions.

PURPOSE: This rule is being rescinded and readopted to establish the requirements for obtaining permits for contests.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 2—Licensees and Permits**

PROPOSED RULE

4 CSR 40-2.021 Permits and Fees

PURPOSE: This rule describes the requirements and fees for obtaining permits for contests.

(1) The promoter shall obtain a separate permit for each contest from the office prior to each contest. The request for the permit must be received by the office no later than five (5) business days before the date of a contest. The office will not approve permits for—

- (A) Bouts between members of the opposite sex; or
- (B) Bouts between human contestants and nonhumans.

(2) Fees for boxing and marital arts permits are twenty-five dollars (\$25) per contest per day. Fees for wrestling permits are one hundred fifty dollars (\$150) per contest per day.

(3) The office may refuse to issue any permit because of the unavailability of an inspector, because the location of the contest is determined by the office to be inadequate or unsafe or for any other reason considered by the office not to be in the best interests of the public, contestants, promoters, officials or the sport of professional boxing, professional wrestling, professional kickboxing, or professional full-contact karate.

(4) No promoter, official or contestant shall serve in any capacity at contests for which the office has denied a permit or for which a permit has not been issued. Such participation shall be grounds for discipline.

(5) The promoter must have an approved permit before any publicity is issued on the contest. Violation of this provision shall be grounds for discipline.

AUTHORITY: sections 317.006 and 317.011.1, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded and readopted: Filed Nov. 15, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated one thousand seven hundred fourteen dollars and thirty cents (\$1,714.30) annually for the life of the rule. It is anticipated that the 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 will cost private entities an estimated thirty-three thousand five hundred dollars (\$33,500) annually for the life of the rule. It is anticipated that the 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.

NOTICE TO SUBMIT COMMENTS: Anyone one may file a statement in support of or in opposition to this proposed rule with the Office of Athletics, PO Box 1335, 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: 40 - Office of Athletics

Chapter: 2 - Licensees and Permits

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 40-2.021 Permits and Fees

Prepared November 1, 2001 by the Division of Professional Registration and Office of Athletics.

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Athletics (issuance of permits)	\$1,714.30
Total annual cost for the life of the rule	\$1,714.30

III. WORKSHEET

It is estimated that 310 permits are issued annually. The following is a breakdown of the expense and equipment costs associated with printing and mailing the renewal notices to licensees.

CLASSIFICATION	FEE AMOUNT	NUMBER OF APPLICANTS	TOTAL ANNUAL COST
Application Printing Cost	\$.15	310	\$46.50
Envelope for Mailing Application	\$.16	310	\$49.60
Postage for Mailing Application	\$.34	310	\$105.40
Permit Printing Cost	\$.15	310	\$46.50
Envelope for Mailing Permit	\$.16	310	\$49.60
Postage for Mailing Permit	\$.33	310	\$105.40

Total expense and equipment costs associated with printing
and mailing the applications for reciprocity to applicants: **\$403.00**

Applications for permits are processed by Clerk Typist III who reviews the application and updates the information contained on the application to the computerized licensing system. The Administrator reviews any questions or problems on renewals and addresses those problems with necessary action such as correspondence, telephone calls or placing on the agenda for Board review.

The figures below represent the personal service costs paid by the Office of Athletics for implementation this rule.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Administrator	\$41,136	\$53,785	\$25.86	\$.44	7 minutes	\$3.08	\$954.80
Clerk Typist III	\$21,192	\$27,708	\$13.33	\$.23	5 minutes	\$1.15	\$356.50

Total personal service costs associated with printing and mailing the applications for initial licensure to applicants: **\$1,311.30**

IV. ASSUMPTIONS

- The number of permits is based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 30.75% 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 each year 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: Department of Economic Development

Division: Division of Professional Registration/Office of Athletics

Chapter: Chapter 2 – Licenses and Permits

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 40-2.021 Permits and Fees

Prepared November 1, 2001 by the Division of Professional Registration and Office of Athletics.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
50	Promoters obtaining boxing and martial arts permits (\$25.00 permit fee)	\$1,250
215	Promoters obtaining wrestling permits (\$150.00 permit fee)	\$32,250
Total annual cost for the life of rule		\$33,500

III. WORKSHEET**IV. ASSUMPTIONS**

1. The number of permits is based on actual figures from FY00 and projected figures in FY01.
2. The total costs will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 3—Ticket Procedures**

PROPOSED RESCISSION

4 CSR 40-3.011 Tickets and Taxes. This rule defined the procedures for printing, selling and counting tickets as authorized by section 317.006(4) and (5), RSMo.

PURPOSE: This rule is being rescinded and readopted to more clearly define the procedures for printing, selling and counting tickets.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan 29, 1995. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 3—Ticket Procedures**

PROPOSED RULE

4 CSR 40-3.011 Tickets and Taxes

PURPOSE: This rule defines the procedures for printing, selling and counting tickets.

- (1) Every person admitted to a contest shall have a ticket or pass.
- (2) All complimentary tickets must indicate on the ticket that it is a complimentary ticket.
- (3) The inspectors shall be admitted without tickets or passes to any contest over which the office has assigned them jurisdiction.
- (4) Tickets of different prices shall be printed on cardboard of distinctly different colors. The ticket stub must indicate the price of the ticket.
- (5) The inspector shall have supervision over the sale of tickets, ticket boxes and entrances and exits for the purpose of checking admission controls. The inspector shall ensure that all tickets are carefully counted and that the final accounting includes the number of complimentary tickets and passes, the price of admission charged and the gross receipts from all ticket sales.
- (6) The final accounting shall be made in a private room or secured area with the promoter's representative(s) and the inspec-

tor(s) present. The final accounting shall include the amount of tax due from the promoter to the office.

(7) Any promoter holding a license and permit under these rules shall pay the office five percent (5%) of its gross receipts, less state, county and city taxes, derived from admission charges.

(8) In any contest where there is no admission charged and the promoter is promoting the contest on a contracted amount, the athletic tax shall be based on the amount of the contracted price. A copy of the contract must be submitted to the office with the tax payment. In the event there is no contract, the promoter and the entity the promoter has contracted with must sign a notarized affidavit stating the amount paid to the promoter for the contest.

AUTHORITY: section 317.006, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded and readopted: Filed Nov. 15, 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 cost private entities an estimated one hundred sixty-one thousand six hundred two dollars and seventy-four cents (\$161,602.74) annually for the life of the rule. It is anticipated that the 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.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Athletics, PO Box 1335, 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: 40- Division of Professional Registration/Office of Athletics

Chapter: Chapter 3 -- Ticket Procedures

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 40-3.011 Tickets and Taxes

Prepared November 1, 2001 by the Division of Professional Registration and Office of Athletics.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
310	Cost to Promoter for Athletic Events Tickets (\$50.00 per event)	\$15,500
20	Cost to Promoter for Complimentary Athletic Events Tickets (\$50.00 per event)	\$400
5	Promoter (Boxing Televised Event 5% Gate Tax — average of \$1,376)	\$6,880
35	Promoter (Boxing Club Event 5% Gate Tax — average of \$587)	\$14,675
209	Promoter (Wrestling Club Event 5% Gate Tax — average of \$68.74)	\$277.74
6	Promoter (Wrestling WWF and WCW Event 5% Gate Tax — average of \$15,600)	\$93,600

10	Promoter (Martial Arts 5% Gate Tax – average of \$227)	\$2,270
20	Promoter (Athletic tax based on contacted amount – average of \$1,400)	\$28,000
Total annual cost for the life of the rule		\$161,602.74

III. WORKSHEET

- See table above

IV. ASSUMPTIONS

- The reported figures are based on actual figures from FY00 and projected figures in FY01.
- The office estimates that a promoter is likely to pay an average of \$50.00 per event for the printing of tickets. However, this amount may vary depending on the size of the event.
- The figures provided by the office in relation to the taxes is an average annual estimate. This figure may vary depending on the size of the event and the contestant's ability and popularity.
- The board estimates that approximately 20 times a year, contests are held where no admission is charged and the athletic tax is based on the amount of the contracted price. Contracts are usually verbal with contracted prices ranging between \$800 and \$2000. For the purposes of this fiscal note, an average contracted amount of \$1,400 is used to determine the fiscal impact of this rule. However, the contracted price may vary depending upon the promoter and the contestant.
- The total costs will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RESCISSION

4 CSR 40-4.015 Promoters. This rule clarified the duties and responsibilities of promoters.

PURPOSE: This rule is being rescinded and readopted to clarify the duties and responsibilities of promoters.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RULE

4 CSR 40-4.015 Promoters

PURPOSE: This rule clarifies the duties and responsibilities of promoters.

(1) No person, association, partnership, corporation, limited liability company, or any other form of business entity shall promote any professional boxing, professional wrestling, professional kickboxing or professional full-contact karate contest without obtaining a license from the Office of Athletics. Licensees shall not allow another to use their promoter's license. Promoters shall supervise their employees and shall be liable for the conduct of those employees and for any violation of Chapter 317, RSMo or the rules adopted thereunder. The office shall deem any violations by an employee or representative of a promoter as a violation of the promoter.

(2) Before the office issues a promoter's license, the promoter shall provide the office a surety bond in the amount of five thousand dollars (\$5,000) or an irrevocable letter of credit in the amount of at least five thousand dollars (\$5,000) from a lending institution approved to do business in the United States to guarantee payment of all state athletic taxes and fees to the state. The irrevocable letter of credit may only be released upon written approval by the office. An additional bond or irrevocable letter of credit may be required in the amount specified by the office where it may be reasonably expected that the five thousand dollars

(\$5,000) bond or irrevocable letter of credit will not provide sufficient protection to the state. It shall be the duty of each promoter to maintain all required bonds on a current status.

(3) The promoter shall apply for a permit for each contest. The application for permit and appropriate fee must be received by the office not later than five (5) business days before the date of the professional contest for which the permit is being sought.

(4) Promoters shall be liable for all contests held and for meeting all deadlines for permit and license applications. Within fifteen (15) business days after a contest the promoter shall pay the state athletic tax to the office.

(5) Promoters shall be responsible for ensuring the maintenance of adequate public safety at all contests. Failure to ensure adequate public safety may result in cancellation of a contest, discipline against a promoter's license and denial of future permits for contests.

(6) Promoters shall provide all materials necessary to conduct the contests, such as ring, stools, resin, water buckets, bell, buzzer or whistle, timer, gloves, gauze, tape for hand wraps and adequate scales.

(7) Promoters shall publicly announce all substitutions for contestants advertised for contests as soon as the substitutions are known.

(8) For adequate public safety, the promoter is responsible for ensuring that no bottled drinks, unless poured into disposable paper cups by vendors at the time of sale, are permitted in any hall or facility where any contest is being held. If the contest is staged out-of-doors disposable paper cups also must be used on the site of the contest.

(9) Promoters and all licensed individuals and organizations associated with the contests shall be deemed to have knowledge of the applicable laws and rules of the state. Any questions or interpretations should be referred to the office. If an immediate decision is required, it should be referred to the inspector present. In the event a situation occurs at the contest and there are no regulations in place to cover the situation, the inspector of the event will make a decision on the matter. The inspector's ruling shall be final. The authority of the office and the inspectors shall be respected. No one shall interfere with the inspectors' duties, use foul language or make threats of physical harm toward the inspectors.

(10) Any promoter that fails to pay a contestant his or her purse within forty-eight (48) hours of the contest shall be subject to discipline by the office.

(11) The promoter shall be responsible for seeing that all the rules promulgated by the office are strictly observed and carried out.

(12) A promoter for a boxing or kickboxing event shall arrange for an ambulance to be on site at each event with emergency personnel and proper resuscitation equipment.

(13) Boxing promoters shall submit to the office proof that health insurance has been purchased for each boxing contestant prior to scheduled contest.

AUTHORITY: sections 317.006 and 317.015, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded and readopted: Filed Nov. 15, 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 cost private entities an estimated four thousand six hundred fourteen dollars (\$4,614) annually for the life of the rule. It is anticipated that the 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.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Athletics, PO Box 1335, 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:** 40- Division of Professional Registration/Office of Athletics**Chapter:** Chapter 4 - Licensees and Their Responsibilities**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 40-4.015 Promoters

Prepared November 1, 2001 by the Division of Professional Registration and Office of Athletics.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
31	Promoter (Stools, resin, water buckets, bell, timer, tape, gauze, scale, and gloves —average annual cost \$100)	\$3,100
2	Promoter (6 sets of gloves —\$100 per set — initial start up costs)	\$1,200
2	Promoter (scale — \$157— initial start up costs)	\$314

**Total annual cost for
the life of the rule**

\$4,614.00

III. WORKSHEET

- See table above

IV. ASSUMPTIONS

- The number of entities by class are based on actual figures from FY00 and projected figures in FY01.
- The private entity costs associated with this rule for a scale and gloves are considered initial start up costs to the promoter and can be reused for each show. Since the board is proposing to rescind and readopt the original rule and considering there are several promoters who already have invested money in the initial start up costs, this portion of the fiscal note was based on the board's assumption that 2 new promoters are licensed each year.
- The private entity cost related to the purchase of tickets is reported in the fiscal note for rule 4 CSR 40-3.011, Tickets and Taxes.
- The total costs will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RESCISSION

4 CSR 40-4.020 Matchmakers. This rule defined the duties and responsibilities of matchmakers with respect to wrestling, amateur or professional boxing and full-contact karate.

PURPOSE: This rule is being rescinded and readopted to clarify the duties and responsibilities of matchmakers with respect to professional boxing, professional kickboxing and professional full-contact karate.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RULE

4 CSR 40-4.020 Matchmakers

PURPOSE: This rule clarifies the duties and responsibilities of matchmakers with respect to professional boxing, professional kickboxing and professional full-contact karate.

(1) A licensed matchmaker is required to be present at all professional boxing, professional kickboxing and professional full-contact karate contests. In professional boxing, professional kickboxing and professional full-contact karate, the office shall not allow a promoter and matchmaker to be the same person.

(2) The duties of the matchmaker shall include arranging the contest, matching the contestants as to weight and experience and ensuring that all the required equipment is in its place. While the contests are in progress, the matchmaker shall work with the inspector and will be directly liable for the promoter s/he represents.

(3) All boxing bouts shall be approved or disapproved by the office. A bout deemed to be a mismatch based on the record, experience, skill and condition of the contestants as known or represented to the office at or before the bout, which could expose one or both contestants to serious injury, will be denied. In addition all

bout contestants must meet the following criteria to be approved:

(A) Any boxer who has lost their last ten (10) bouts by decision, technical knockout, or knockout shall not be approved to box in a bout;

(B) Any boxer who has lost their last six (6) bouts by technical knockout or knockout shall not be approved to box in a bout;

(C) Any boxer with less than ten (10) professional bouts may not box an opponent with more than fifteen (15) professional bouts;

(D) All boxer's records must be verified through the national boxing registry, which is appointed by the Association of Boxing Commissions; and

(E) The office shall verify the experience and skill of a boxer, if verifiable through the national boxing registry.

(4) The office reserves the right to question any applicant for a matchmaker's license, and, if in its judgment, the applicant does not have sufficient knowledge of the sport or is otherwise not deemed responsible to act, the license shall be denied.

(5) No matchmaker in a specific contest shall act in the capacity of a licensed manager or licensed second for that specific contest either directly or indirectly.

AUTHORITY: sections 317.006 and 317.015, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded and readopted: Filed Nov. 15, 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 one may file a statement in support of or in opposition to this proposed rule with the Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RESCISSION

4 CSR 40-4.030 Professional Boxing, Wrestling and Karate Referees. This rule defined the duties and responsibilities of professional boxing, wrestling and karate referees.

PURPOSE: This rule is being rescinded and readopted to clarify the duties and responsibilities of professional boxing, professional wrestling and professional kickboxing, and professional full-contact karate referees.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed April 30, 1982, effective Sept. 11, 1982, Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RULE

**4 CSR 40-4.030 Professional Boxing, Professional Wrestling,
Professional Kickboxing, and Professional Full-Contact Karate
Referees**

PURPOSE: This rule clarifies the duties and responsibilities of professional boxing, professional wrestling, professional kickboxing, and professional full-contact karate referees.

(1) The referee is charged with the enforcement of all office rules that apply to the conduct of the contest and the conduct of the contestants and contestant's second(s) while s/he is in the ring. Before the office issues a referee's license:

(A) The applicant must:

1. Certify that s/he has read and understands Missouri laws and rules. Upon such certification the applicant shall be deemed to have full knowledge and understanding of said laws and rules; and

2. Have two (2) years of documented experience refereeing boxing matches. It is not necessary that this experience be obtained by refereeing professional boxing, professional wrestling, professional kickboxing or professional full-contact karate;

(B) The office may require:

1. The applicant take and pass a written test covering professional boxing, professional wrestling, professional kickboxing, and professional full-contact karate; and

2. The applicant have a physical examination by a licensed physician to determine fitness to perform.

(2) The office shall have the right to deny a referee's license if, in its judgment, the applicant does not have sufficient knowledge or expertise in the sport and is otherwise not deemed responsible to act.

(3) Referees shall not wear spectacles while refereeing.

(4) The referee selected for each bout shall be at the sole discretion of the office and such determination shall be final. The promoter is responsible for all compensation for the referee. The office shall set the amount of compensation to be provided to the referee.

(5) Before starting each bout, the referee will check with each judge and timekeeper to determine if each is ready, and also will ascertain the name of the chief second in each corner and shall hold the chief second responsible for all conduct in his/her corner. The referee shall also verify that the physician is present at ring-side.

(6) The referee shall inspect the gloves of the contestants in all bouts and make sure that no foreign substances detrimental to an opponent have been applied to the glove or bodies of the contestants. In the event the referee detects a problem with the gloves or

other equipment, the problem must be fixed to the satisfaction of the referee and inspector before the bout continues.

(7) The use of rubber or plastic gloves by the referee is not mandatory but will be left to the discretion of the referee for his/her use during the bout.

(8) The referee shall stop the bout for any of the following reasons:

(A) The referee determines that one (1) of the contestants is clearly less experienced and/or skilled than his/her opponent to the extent that allowing the bout to continue would pose a substantial risk of serious harm or injury to the less-experienced/skilled contestant;

(B) The referee decides that a contestant is not making his/her best effort; or

(C) For any other reason the referee deems sufficient.

(9) In the event of serious cuts or injuries, the referee shall summon the physician who shall decide if the bout should be stopped.

(10) The referee shall warn the second(s) of violations of any rules relating to seconds. If after such a warning the second(s) does not conduct him/herself in accordance with the rules, the referee shall warn the second(s) that further violations may result in disqualification of his/her contestant and/or removal from the corner.

(11) The referee shall instruct judges to mark their scorecards accordingly when s/he has assessed a foul upon one (1) of the contestants. The referee shall deliver the official scorecards to the inspector. When picking up the scorecards from the judges, the referee shall see to it that the cards are computed and the winners and judges names are recorded. If not, the judges shall be instructed to complete scorecards correctly.

(12) The referee shall ensure that a bout moves to its proper completion. Delaying or avoiding tactics, or both, should be avoided and the contestant who employs these tactics should be penalized in scoring or disqualified.

(13) When a fallen contestant rises and falls again without being hit again, the referee shall continue the original count, rather than starting a new count. If the bell rings ending the round during the count, the count shall continue except when the bell rings ending the last round of the bout. A contestant shall be deemed to be down when any part of his/her body, with the exception of his/her feet, is on the floor or if s/he is hanging helplessly on or over the ropes. A referee can count a contestant out either on the ropes or on the floor. During the eight (8)-count, the referee should assess the condition of the contestant and either allow him/her to continue or stop the bout. During any count, the opponent shall immediately go to the neutral corner and remain there until the referee signals the bout is to be continued. In the event the contestant who has scored the knockdown fails to go to the neutral corner, the referee may stop the count until the contestant who scored the knockdown returns to the neutral corner.

(14) In assessing fouls, the referee must weigh the cause as well as the effect. If the referee has seen a low blow (punch below the belt line) delivered and if the blow had a damaging effect, s/he may permit a rest period to the victim not to exceed five (5) minutes. During the rest period, seconds may not assist or coach the injured contestant. The offending contestant shall go to a neutral corner and shall not be coached during the period. If the injured contestant refuses to continue after a five (5)-minute rest period, the opponent may be named the winner. The referee shall give an official warning for a low blow to the offending contestant, and then s/he will give the command to continue after the end of the rest period if the contestant who received the low blow indicates s/he is ready to continue the bout. Additional low blows shall be penalized

with deduction of points from the offending contestant or disqualification of the offending contestant. A boxer cannot be named the winner of a bout as the result of receiving a low blow unless, in the opinion of the referee, the blow was delivered deliberately and of enough force to seriously incapacitate the injured boxer so that s/he could not continue the bout. Under this condition, the offender shall be disqualified immediately.

(15) The referee shall warn or penalize a contestant with a deduction of points who uses the ropes or other unfair means to gain advantage.

(16) Whenever a contestant has been injured, knocked out or technically knocked out, the referee shall immediately summon the attending physician to aid the stricken contestant. Except at the request of the physician, no manager(s) or second(s) shall be permitted to aid the stricken contestant.

AUTHORITY: sections 317.006 and 317.015, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded and readopted: Filed Nov. 15, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated two hundred eighty-five dollars (\$285) every five (5) years for the life of the rule. It is anticipated that the cost will recur for the life of the rule, may vary with inflation and is expected to increase 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 seven thousand five hundred fifty-five (\$7,555) annually for the life of the rule. It is anticipated that the 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.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Athletics, PO Box 1335, 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: 40- Division of Professional Registration/Office of Athletics

Chapter: Chapter 4 - Licensees and Their Responsibilities

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 40-4.030 Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate Referees.

Prepared November 1, 2001 by the Division of Professional Registration and Office of Athletics.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
35	Promoter (Payment of Compensation to Referee for Boxing Club Events - \$75)	\$2,625
209	Promoter (Payment of Compensation to Referee for Wrestling Club Events - \$20)	\$4,180
10	Promoter (Payment of Compensation to Referee for Full-Contact Karate and Kickboxing Club Events - \$75)	\$750
Total annual cost for the life of the rule		\$7,555

III. WORKSHEET

- See table above

IV. ASSUMPTIONS

- The number of entities by class are based on actual figures from FY00 and projected figures in FY01.
- Compensation for referees for televised events may vary depending on the contestant's ability and popularity. Additionally, WWF and WCW referees receive contracted salary amounts, therefore, the board is unable to determine these private entity costs.
- The amount of the compensation for club events is established based on the amount other states require their officials to be paid .
- The cost of the applicant taking a written examination covering professional boxing, professional wrestling, professional kickboxing, and professional full-contact karate was not calculated in this fiscal note since this is rarely required of applicants.
- The cost to the application for a physical examination was not calculated in the fiscal note since the ringside physician performs the physical examination at no charge to the referee or promoter.
- The total costs will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RESCISSION

4 CSR 40-4.040 Physicians for Boxing and Karate. This rule defined the responsibilities of physicians for boxing and karate.

PURPOSE: This rule is being rescinded and readopted to define the responsibilities of physicians for professional boxing, professional wrestling, professional kickboxing and professional full-contact karate.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RULE

4 CSR 40-4.040 Physicians for Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate

PURPOSE: This rule defines the responsibilities of physicians for professional boxing, professional kickboxing and professional full-contact karate.

(1) Any physician, applying for licensure with the office, must hold a current license to practice medicine pursuant to Chapter 334, RSMo and must be in good standing with the State Board of Registration for the Healing Arts. Any such physician/applicant shall not be currently or have been under discipline from the State Board of Registration for the Healing Arts for a period of five (5) years preceding his/her application with the office.

(2) A physician licensed pursuant to sections 317.001 to 317.021, RSMo shall be in charge of all physical examinations. S/he shall be at ringside during all professional boxing, professional kickboxing and professional full-contact karate contests and, if called upon, ready to advise the referee.

(3) Within forty-eight (48) hours before a contest, contestants for professional boxing, professional kickboxing and professional full-contact karate shall be given a physical examination by a physician appointed and licensed by the office.

(4) The physical examination given to contestants shall include the following: weight, pulse, lungs, blood pressure, heart, and general physical condition.

(5) If, upon physical examination, a contestant is determined to be unfit for competition, the contestant shall be prohibited from competing during that specific contest.

(6) The physician must certify in writing on a form prescribed by the office those contestants who are in good physical condition to compete.

(7) The physician selected for each contest shall be at the sole discretion of the office and such determination shall be final. The promoter is responsible for all compensation for the physician. The office shall set the amount of compensation to be provided to the physician.

AUTHORITY: sections 317.006 and 317.015, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded and readopted: Filed Nov. 15, 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 cost private entities an estimated eight thousand dollars (\$8,000) annually for the life of the rule. It is anticipated that the 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.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Athletics, PO Box 1335, 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: 40- Division of Professional Registration/Office of Athletics

Chapter: Chapter 4 - Licensees and Their Responsibilities

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 40-4.040 Physicians for Professional Boxing, Professional Wrestling, Professional Kickboxing and Professional Full-Contact Karate

Prepared November 1, 2001 by the Division of Professional Registration and Office of Athletics.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
35	Promoter (Payment of Compensation to Physician for Boxing Club Events - \$150)	\$5,250
5	Promoter (Payment of Compensation to Physician for Televised Boxing Events - \$250)	\$1,250
10	Promoter (Payment of Compensation to Physician for Full-Contact Karate and Kickboxing Club Events - \$150)	\$1,500
Total annual cost for the life of the rule		\$8,000

III. WORKSHEET

- See table above

IV. ASSUMPTIONS

- The number of entities by class are based on actual figures from FY00 and projected figures in FY01.
- The amount of the compensation for the physician is established based on the amount other states require their officials to be paid.
- The total costs will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RESCISSION

4 CSR 40-4.050 Timekeepers. This rule clarified the duties and responsibilities of timekeepers.

PURPOSE: This rule is being rescinded and readopted to clarify the duties and responsibilities of timekeepers.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RULE

4 CSR 40-4.050 Timekeepers

PURPOSE: This rule defines the duties and responsibilities of timekeepers.

(1) The timekeeper shall sound the bell at the beginning and end of each round. The timekeeper shall also indicate by pounding the ring when there is ten (10) seconds remaining in the round to warn the referee of the end of the round. When there is ten (10) seconds remaining in the rest period between rounds the timekeeper shall sound a whistle or buzzer to warn the referee, contestants, and seconds of the beginning of the next round.

(2) It is the duty of the timekeeper to keep accurate time of all bouts. The timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician, or the replacement of a glove or adjustment of any equipment during a round and the timekeeper shall report the exact time of a bout being stopped.

(3) The timekeeper shall be impartial. Any timekeeper who signals interested parties at any time during bouts shall be subject to discipline.

(4) The timekeeper shall be responsible for the knockdown count. The timekeeper shall begin counting each second during the knockdown count. If the knockdown occurs within ten (10) seconds of the end of the round, the timekeeper shall not ring the bell until the referee indicates the contestant is ready.

(5) When officiating at professional wrestling contests, the timekeeper shall record the exact time of all falls. The timekeeper also shall notify wrestling contestants between falls when it is time for them to return to the ring. Ten (10) minutes may be the maximum time allowed for rest periods between falls. Any delay on the part of a contestant in returning shall be reported to the office.

(6) The timekeeper selected for each bout shall be at the sole discretion of the office and such determination shall be final. The promoter is responsible for all compensation for the timekeeper. The office shall set the amount of compensation to be provided to the timekeeper.

AUTHORITY: sections 317.006 and 317.015, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded and readopted: Filed Nov. 15, 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 cost private entities an estimated two thousand six hundred twenty-five dollars (\$2,625) annually for the life of the rule. It is anticipated that the 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.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Athletics, PO Box 1335, 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: 40- Division of Professional Registration/Office of Athletics

Chapter: Chapter 4 - Licensees and Their Responsibilities

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 40-4.050 Timekeepers

Prepared November 1, 2001 by the Division of Professional Registration and Office of Athletics.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
35	Promoter (Payment of Compensation to Timekeeper for Boxing Club Events - \$ \$50)	\$1,750
5	Promoter (Payment of Compensation to Timekeeper for Televised Boxing Events - \$75)	\$375
10	Promoter (Payment of Compensation to Timekeeper for Full-Contact Karate and Kickboxing Club Events - \$50)	five hundred dollars (\$500)

Total annual cost for the life of the rule **\$2,625**

III. WORKSHEET

- See table above

IV. ASSUMPTIONS

- The number of entities by class are based on actual figures from FY00 and projected figures in FY01.
- The amount of the compensation for the timekeeper is established based on the amount other states require their officials to be paid.
- Typically, the promoter is the timekeeper for wrestling events, therefore, no costs were calculated for the timekeepers of wrestling events.
- The total costs will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED AMENDMENT

4 CSR 40-4.060 Announcers. The Office of Athletics is proposing to amend sections (1)–(4).

PURPOSE: This amendment clarifies the duties and responsibilities of announcers.

(1) Announcers shall announce the names of the officials, the contestants, their correct weights, the decisions of the referee and judges, and other matters as directed by the *[office representative in charge] inspector*. Other announcements shall be limited to those pertaining to present and future *[exhibitions] contests* unless specifically authorized by the office. Promoters shall provide equipment and facilities for announcing.

(2) Introductions and announcements made to the general public must include, at a minimum, the statement *["Licensed] "These bouts are sanctioned by the State of Missouri, Office of Athletics."*

(3) At the end of each *[exhibition, the] bout, an* inspector shall deliver the *[score cards] scorecards* to the announcer who shall announce the results and immediately return the cards to the inspector.

(4) No promoter shall permit any individual to act as an announcer *[without an announcer's license] who does not hold a current license issued by the office.*

AUTHORITY: sections 317.006 and 317.015, RSMo [1986] 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982, Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED AMENDMENT

4 CSR 40-4.070 Seconds. The Office of Athletics is proposing to amend sections (2)–(3), replace sections (4) and (5) with new language and amend sections (7)–(9) of the rule.

PURPOSE: This amendment clarifies the duties and responsibilities of seconds.

(2) Unless special permission is given by the office, there shall be no more than *[two (2)] three (3)* seconds, one (1) of whom will announce to the referee at the start of the *[exhibition] bout* that s/he is the chief second. Only one (1) second shall be inside the ring between rounds, the other **two (2)** may be on the ring platform outside the ropes. Licensed managers shall be permitted to act as seconds without being licensed as a second. While acting as a second, a licensed manager must observe all rules pertaining to the conduct of seconds.

(3) Seconds shall not enter the ring until the timekeeper indicates the end of the round *[and]*. *[s]Seconds* shall leave at the sound of the timekeeper's whistle or buzzer before the beginning of each round. If the chief second or anyone for whom s/he is responsible enters the ring before the bell ending the round has sounded, *[the chief second is subject to suspension or revocation of license] his/her license shall be subject to discipline* and the contestant whom s/he is handling *[is subject to disqualification] may be disqualified*. While the round is in progress, the chief second may mount the apron on the ring and attract the referee's attention indicating retirement of the *[boxer] contestant*. S/he shall not enter the ring unless the referee stops the *[exhibition] bout* and shall not interfere with a count that is in progress.

(4) [While the round is in progress, there shall be no coaching or signaling to the contestants by seconds. After leaving the ring the seconds shall be seated on stools or chairs and remain seated and silent; they] Seconds shall not stand or lean on the ring apron during the round. *[Violators will be removed from the corner.]*

[[5] A wet sponge may be used between rounds to refresh the contestants. Excess water on the floor of the ring shall be wiped up at once by the seconds. Water discharged from the mouth of a contestant shall be caught in the bucket or other device furnished for that purpose.]

(5) The second shall equip him/herself with:

- (A) A clear plastic bottle;**
- (B) A bucket containing ice;**
- (C) Adhesive tape;**
- (D) Gauze;**
- (E) Scissors;**
- (F) Extra mouthpiece;**
- (G) Cotton swabs;**
- (H) Vaseline; and**
- (I) Pressure plates.**

(6) Only the following substances may be used to stop hemorrhaging:

- (A) A solution of adrenaline 1/1000;**
- (B) Avintene; and**
- (C) Thrombin.**

[[6]] (7) Before leaving the ring at the start of each round, the seconds shall remove all obstructions, buckets, stools, bottles, towels and robes from the ring floor and ropes.

[[7] Violations of any of these provisions will be followed by the immediate ejection of the guilty party or parties from the ring corner. The office will decide what disciplinary action is to be assessed.]

(8) [The office reserves the right to refuse an application for a second's license when, in the judgment of the office, the applicant is either not qualified or is not deemed responsible to so act.] Seconds violating any provisions of this rule shall be immediately ejected from the ring corner.

(9) The use of rubber or plastic gloves [will] is not [be] mandatory, but will be [up to] left to the discretion of the seconds for their use during the [exhibition] bout.

AUTHORITY: sections 317.006 and 317.015, RSMo [1986] 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed Nov. 15, 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 one may file a statement in support of or in opposition to this proposed amendment with the Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RESCISSION

4 CSR 40-4.080 Judges for Professional Boxing and Karate.
This rule defined the duties and responsibilities for judges for professional boxing and karate.

PURPOSE: This rule is being rescinded and readopted to further define the duties and responsibilities for judges for professional boxing, professional kickboxing, and professional full-contact karate.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded: Filed Nov. 15, 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 Office of Athletics, PO Box 1335, 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 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

PROPOSED RULE

4 CSR 40-4.080 Judges for Professional Boxing, Professional Kickboxing and Professional Full-Contact Karate

PURPOSE: This rule defines the duties and responsibilities for judges for professional boxing, professional kickboxing, and professional full-contact karate.

(1) There shall be three (3) judges required for each bout. A bout will be scored on a ten (10)-point must system.

(2) The judges shall reach their decisions without conferring in any manner with any other official or person including the other judges of the panel. Each judge shall make out his/her scorecard in accordance with provisions of the rules governing professional boxing, professional kickboxing and professional full-contact karate. At the end of the round, the score shall be totaled and signed or initialed by each judge. The referee working the bout shall collect the scorecards after each round and hand them to the inspector.

(3) Any erasures or changes on the scorecard must be approved and initialed by the judge and inspector.

(4) Official scorecards from the office shall be used and retained in the custody of the inspector who will transmit them to the office for safekeeping.

(5) The judges selected for each bout shall be at the sole discretion of the office and such determination shall be final. The promoter is responsible for all compensation for the judges. The office shall set the amount of compensation to be provided to the judges.

(6) Before the office issues a judge's license:

(A) The applicant must:

1. Certify that s/he has read and understands Missouri laws and rules. Upon such certification the applicant shall be deemed to have full knowledge and understanding of said laws and rules; and
2. Have two (2) years of documented experience judging boxing matches. It is not necessary that this experience be obtained by judging professional boxing, professional wrestling, professional kickboxing or professional full-contact karate.

(B) The office may require:

1. The applicant take and pass a written test covering professional boxing, professional wrestling, professional kickboxing, and professional full-contact karate; and
2. The applicant have a physical examination by a licensed physician to determine fitness to perform.

(7) The office may deny an application for licensure as a judge if the applicant fails to meet the qualifications specified herein or fails to pass the written examination if such an examination is required by the office.

AUTHORITY: section 317.006, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded and readopted: Filed Nov. 15, 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 cost private entities an estimated three thousand two hundred fifty dollars (\$3,250) annually for the life of the rule. It is anticipated that the 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.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Athletics, PO Box 1335, 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: 40- Division of Professional Registration/Office of Athletics

Chapter: Chapter 4 - Licensees and Their Responsibilities

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 40-4.080 Judges for Professional Boxing, Professional Kickboxing and Professional Full-Contact Karate

Prepared November 1, 2001 by the Division of Professional Registration and Office of Athletics.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
35 events	Promoter (Payment of Compensation to Judge for Boxing Club Events – average of \$50)	\$1,750
10 events	Promoter (Payment of Compensation to Judge for Full-Contact Karate and Kickboxing Club Events - \$50 per judge per event)	\$1,500
Total annual cost for the life of the rule		\$3,250

III. WORKSHEET

- See table above

IV. ASSUMPTIONS

- The number of entities by class are based on actual figures from FY00 and projected figures in FY01.
- The amount of the compensation for judges for club events is established based on the amount other states require their officials to be paid .

- Compensation of judges for televised boxing events varies depending on the contestant's ability and popularity and whether the match is a title fight. The compensation for a judge for televised boxing events can range from \$125 to \$1,500, therefore, it is impossible to calculate an actual cost to the promoter for this compensation.
- Full-contact karate and kickboxing club events require 3 judges per event.
- The cost of the applicant taking a written examination covering professional boxing, professional wrestling, professional kickboxing, and professional full-contact karate was not calculated in this fiscal note since this is rarely required of applicants.
- The total costs will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.