

**U**nder 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."

**E**ntirely 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

**A**n 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.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

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

**PROPOSED AMENDMENT**

**3 CSR 10-4.111 Endangered Species.** The department proposes to amend subsection (3)(G).

*PURPOSE: This amendment adds Hine's Emerald Dragonfly to the list of native species designated as endangered in Missouri.*

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(G) Invertebrates: American Burying Beetle, **Hine's Emerald Dragonfly**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo [1994] 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 18, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED AMENDMENT**

**3 CSR 10-4.115 Special Regulations for Department Areas.** The department proposes to amend paragraphs (1)(P)4. and 10.

*PURPOSE: This amendment designates the demonstration pond at Lost Valley Fish Hatchery and the Honker Pond on the James A. Reed Memorial Wildlife Area for youth anglers 12 years of age or younger only and establishes a daily limit on fish taken on the demonstration pond at Lost Valley Hatchery.*

(1) The special regulations in this rule apply on all lands and waters (referred to as areas) owned, leased or managed under formal cooperative agreement by the Department of Conservation. The director may issue temporary written exceptions to provisions of this rule for emergency or special events and for other compatible uses.

(P) Fishing. Fishing, under statewide seasons, methods and limits, is permitted, except as further restricted in this rule.

1. Fishing may be further restricted on designated portions of conservation areas.

2. Fishing is prohibited on the following conservation areas or individually named lakes:

- A. Allred Lake Natural Area
- B. Rudolf Bennitt Lake
- C. Robert L. Blattner
- D. Burr Oak Woods
- E. Gama Grass Prairie
- F. Gay Feather Prairie
- G. Charles W. Green
- H. Hunkah Prairie
- I. Little Osage Prairie
- J. Chloe Lowry Marsh Natural Area
- K. Mo-Ko Prairie
- L. Mon-Shon Prairie
- M. Mount Vernon Prairie
- N. Niawathe Prairie
- O. Pawhuska Prairie
- P. Powder Valley Conservation Nature Center
- Q. Springfield Conservation Nature Center
- R. Turtle Rock Lake
- S. Tzi-Sho Prairie

T. Wah-Kon-Tah Prairie (only on portion owned by The Nature Conservancy)

U. Wah-Sha-She Prairie

V. Henry J. Waters II and C.B. Moss Memorial Wildlife Area

W. Youngdahl (Mark) Urban

3. On all impounded waters, fish may be taken only with pole or rod with attached line and not more than three (3) poles or rods with attached line may be used by one (1) person at any time, except as further provided in this rule.

A. On Forest Lake, Montrose Conservation Area, Schell-Osage Conservation Area, Ted Shanks Conservation Area and Thomas Hill Reservoir, fish may be taken with limb lines and bank lines.

B. Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following conservation areas or individually named lakes:

(I) Atlanta

(II) Bismarck

(III) Blackjack Access

(IV) Bob Brown

(V) Cooley Lake

(VI) Deer Ridge

(VII) Deroin Bend

(VIII) Duck Creek

(IX) Eagle Bluffs

(X) Connor O. Fewel

(XI) Fountain Grove

(XII) Four Rivers

(XIII) Forest Lake

(XIV) Franklin Island

(XV) Grand Pass

(XVI) Hunnewell Lake

(XVII) King Lake

(XVIII) Kings Prairie Access

(XIX) Lake Paho

(XX) Lamine River

(XXI) B.K. Leach Memorial

(XXII) Limpp Community Lake

(XXIII) Little Compton Lake

(XXIV) Locust Creek

(XXV) Manito Lake

(XXVI) Marias Temps Clair

(XXVII) Nodaway Valley

(XXVIII) Otter Lake

(XXIX) Peabody

(XXX) Ralph and Martha Perry Memorial

(XXXI) Haysler A. Poague

(XXXII) Pony Express Lake

(XXXIII) Rebel's Cove

(XXXIV) Schell-Osage

(XXXV) Henry Sever

(XXXVI) Settle's Ford

(XXXVII) Ted Shanks

(XXXVIII) Thurnau

(XXXIX) Truman Reservoir

(XL) Wakonda State Park Lakes

(XLI) Worth County Community Lake

(XLII) Worthwine Island

4. On Conservation Commission Headquarters and James A. Reed Memorial Wildlife Area, fishing is permitted in designated waters from 6:00 a.m. to 6:00 p.m., October 1 through March 31 and from 6:00 a.m. to 9:00 p.m., April 1 through September 30. On August A. Busch Memorial Conservation Area, fishing is permitted on designated waters from 6:00 a.m. to 9:00 p.m. daily. **On Lost Valley Fish hatchery, fishing is permitted in designated**

**waters from 9:00 a.m. to 4:00 p.m. daily. Fishing is restricted to persons twelve (12) years of age or younger on Lost Valley Fish Hatchery and Honker Pond on James A. Reed Memorial Wildlife Area, and not more than one (1) pole or rod with attached line may be used by one (1) person at a time.** On designated lakes at Conservation Commission Headquarters, only flies and artificial lures may be used, and all fish must be returned to the water unharmed immediately after being caught. On Coot Lake on James A. Reed Memorial Wildlife Area, from November 1 through February 19, only flies, artificial lures and soft plastic baits (unscented) may be used and all fish must be returned to the water unharmed immediately after being caught.

5. On Ronald and Maude Hartell Conservation Area, fishing is permitted on designated waters. Only flies, artificial lures and soft plastic baits (unscented) may be used and all fish must be returned to the water unharmed immediately after being caught. Possession of fish on the area is prohibited except by special use permit.

6. Fishing is permitted, except in designated areas, on the following conservation areas.

A. Bellefontaine

B. Bilby Ranch Lake

C. Bob Brown

D. Cooley Lake

E. Coon Island

F. Duck Creek

G. Eagle Bluffs

H. Fountain Grove

I. Four Rivers

J. Grand Pass

K. Hornersville Swamp

L. B. K. Leach Memorial

M. Maple Leaf Lake

N. Marais Temps Clair

O. Monegaw Prairie

P. Montrose

Q. Osage Prairie

R. Otter Slough

S. Pony Express Lake

T. Schell-Osage

U. Settle's Ford

V. Seven Island

W. Ted Shanks

X. Taberville Prairie

Y. Ten Mile Pond

Z. Wah-Kon-Tah Prairie (only on portion owned by Conservation Commission west of Mo. Highway H and north of Mo. Highway 82)

7. On Binder Community Lake, fishing is prohibited from 11:00 p.m. to 3:00 a.m. daily.

8. On Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park:

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

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

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

D. Trout fishing is permitted from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November through the second Sunday in February. Fishing in designated trout waters is permitted only by holders of a valid trout permit. Only flies may be used, and all fish must be returned to the water unharmed immediately after being caught. Fish may not be possessed on these waters.

9. On Jerry J. Presley Conservation Education Center, fishing is permitted only by holders of a valid area special use permit. Except as otherwise provided on the special use permit, all fish must be returned to the water unharmed immediately after being caught.

10. Daily and possession limits. Statewide daily and possession limits shall apply for all species, except that: In impounded waters, daily limits are catfish in the aggregate (channel catfish, blue catfish, flathead catfish), four (4); black bass, six (6); crappie, thirty (30); and all other fish, statewide limits, but not to exceed twenty (20) in the aggregate; except as further restricted in this rule.

A. The daily limit for black bass shall be two (2) on the following conservation areas:

- (I) Amarugia Highlands
- (II) Arrow Rock State Historic Site
- (III) Atkinson Lake
- (IV) Baltimore Bend
- (V) Belcher Branch Lake
- (VI) Bellefontaine
- (VII) August A. Busch Memorial
- (VIII) Confederate Memorial State Park Lakes
- (IX) Robert G. DeLaney Lake
- (X) Lake Paho
- (XI) Lone Jack Lake
- (XII) Manito Lake
- (XIII) Maple Leaf Lake
- (XIV) Port Hudson Lake
- (XV) James A. Reed Memorial Wildlife Area
- (XVI) Schell Lake
- (XVII) Watkins Mill State Park Lake
- (XVIII) Weldon Spring

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

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

D. On Duck Creek Conservation Area, statewide limits shall apply for all nongame fish.

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

F. At Tobacco Hills Lake, the daily limit for bluegill shall be eight (8).

G. On Bellefontaine Conservation Area and Port Hudson Lake, the daily limit for other fish (those not listed by name in this paragraph) shall be ten (10) in the aggregate.

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

11. Length limits. Statewide length limits shall apply for all species, except as further restricted in this rule.

A. On all impoundments, except as authorized in parts (1)(P)10.A.(I)-(V), all black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(I) All black bass less than twelve inches (12") total length must be returned to the water unharmed immediately after being caught on the following conservation areas:

- (a) Bois D'Arc
- (b) Knob Noster State Park Lakes
- (c) Malta Bend Community Lake
- (d) Painted Rock
- (e) Peabody
- (f) Haysler A. Poague
- (g) Robert E. Talbot
- (h) Van Meter State Park Lake

(II) All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following conservation areas:

- (a) Amarugia Highlands
- (b) Arrow Rock State Historic Site
- (c) Atkinson Lake
- (d) Baltimore Bend
- (e) Big Oak Tree State Park
- (f) Bilby Ranch Lake
- (g) Binder Community Lake
- (h) Bismarck
- (i) Buffalo Bill Lake
- (j) August A. Busch Memorial (except Lakes 33 and

35)

- (k) Che-Ru Lake
- (l) Jerry P. Combs Lake
- (m) Confederate Memorial State Park Lakes
- (n) Deer Ridge Lake
- (o) Fourche Lake
- (p) General Watkins
- (q) Huzzah Pond
- (r) Jamesport Community Lake
- (s) Limpp Community Lake
- (t) Little Compton Lake
- (u) Loggers Lake
- (v) Lone Jack Lake
- (w) Maple Leaf Lake
- (x) McCormack Lake
- (y) Noblett Lake
- (z) Nodaway County Community Lake
- (aa) Perry County Community Lake
- (bb) Pershing State Park Ponds
- (cc) Pony Express
- (dd) Ray County Community Lake
- (ee) James A. Reed Memorial Wildlife Area
- (ff) Rinquelin Trail Community Lake
- (gg) Roby Lake
- (hh) Schell Lake
- (ii) Ted Shanks
- (jj) Tobacco Hills Lake
- (kk) Union Ridge Lake
- (ll) Vandalia Community Lake
- (mm) Watkins Mill State Park Lake
- (nn) Weldon Spring
- (oo) Worth County Community Lake

(III) On Bellefontaine Conservation Area, August A. Busch Memorial Lakes 33 and 35, Belcher Branch Lake, Robert G. DeLaney Lake, Lake Paho, Manito Lake and Port Hudson Lake, all black bass less than eighteen inches (18") total length

must be returned to the water unharmed immediately after being caught.

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

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

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

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

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

E. On Tobacco Hills Lake, all bluegill less than eight inches (8") total length must be returned to the water unharmed immediately after being caught.

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

12. Salvage seining of nongame fish may be permitted seasonally for personal use with written permission of the department.

13. Seining or trapping live bait, including tadpoles, is prohibited on streams in Mule Shoe Conservation Area and on all impounded waters and their discharge channels, except as further defined in this rule.

A. Seining or trapping live bait, including tadpoles, is permitted on designated impoundments on Bob Brown Conservation Area, Fountain Grove Conservation Area, Grand Pass Conservation Area and Nodaway Valley Conservation Area.

B. On designated waters on Schell-Osage Conservation Area, gizzard shad may be taken by live bait methods.

14. On Wire Road Conservation Area, nongame fish may be taken by snagging, snaring, or grabbing from March 15 through May 15. A daily limit of twenty (20) and a possession limit of forty (40) shall apply to fish taken by these methods.

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

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Dec. 15, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 18, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 7—Reciprocity**

**PROPOSED RESCISSION**

**4 CSR 90-7.010 Reciprocity.** This rule explained reciprocal licensing provisions.

*PURPOSE: This board is proposing to rescind this rule and adopt a new rule that more closely mirrors the statute.*

*AUTHORITY: sections 329.210, RSMo Supp. 1998 and 329.230, RSMo 1994. This version of rule filed June 26, 1975, effective July 6, 1975. Amended: Filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 9, 1981, effective Feb. 13, 1982. Amended: Filed Nov. 20, 1986, effective Feb. 12, 1987. Amended: Filed April 19, 1989, effective July 1, 1989. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1999. Amended: Filed Dec. 14, 1995, effective June 30, 1996. Amended: Filed Oct. 1, 1996, effective March 30, 1997. Amended: Filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed Dec. 7, 1998, effective June 30, 1999. Rescinded: Filed Dec. 22, 2000.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology, Pamela A. Hoelscher, Executive Director, PO Box 1062, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 7—Reciprocity**

**PROPOSED RULE**

**4 CSR 90-7.010 Reciprocity**

*PURPOSE: This rule explains the licensing procedure and requirements for reciprocal licensing for out-of-state applicants as authorized in section 329.130, RSMo.*

(1) Cosmetology Operators. Upon making application to the board, the board shall issue a Missouri certificate of registration or license without an examination to a person who holds a current cosmetology license in another state, territory, or District of Columbia, provided the requirements for licensure, including but not limited to the training and examination requirements therein are substantially equal or superior to those in Missouri at the time of application. The application shall be properly completed on a form supplied by the board and shall be accompanied by the following:

(A) An affidavit completed by the state licensing agency verifying the type of license held by the applicant in that state;

(B) Two (2) bust photographs measuring two inches by two inches (2" × 2") taken within the last two (2) years; and

(C) The cosmetology reciprocity fee.

(2) Cosmetology Instructors. Upon making application to the board, the board shall issue a Missouri cosmetology instructor's license to an individual who holds a current cosmetology instructor license in another state, territory of the United States, or District of Columbia, provided the requirements for licensure, including but not limited to the training and examination requirements, are substantially equal or superior to those in force in Missouri at the time the individual files the application. The application shall be properly completed on a form supplied by the board and shall be accompanied by the following:

(A) An affidavit completed by the state licensing agency verifying that the applicant is licensed as an instructor in that state;

(B) Two (2) bust photographs measuring two inches by two inches (2" × 2") taken within the last two (2) years; and

(C) The instructor reciprocity fee.

(3) The board has determined that a "substantially equal" number of training hours is ninety-five percent (95%) or more of the training hours required in Missouri for any given classification.

(4) Any reciprocity applicant requesting licensure will be required to complete an open book state law test, which will be included with the reciprocity application.

(5) Any person who does not meet the qualifications for licensure by reciprocity shall be required to meet all of Missouri's requirements for licensure as set forth in Chapter 329, RSMo, including but not limited to training and examination requirements.

*AUTHORITY: sections 329.130, 329.210 and 329.230, RSMo 2000. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Dec. 22, 2000.*

*PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions an estimated \$3,320.24 annually for the life of the rule. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST: This proposed rule is estimated to cost private entities an estimated \$31,528.56 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 Cosmetology, Pamela A. Hoelscher, Executive Director, PO Box 1062, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**

Title: 4 - Department of Economic Development  
 Division: 90 – State Board of Cosmetology  
 Chapter: 7 - Reciprocity  
 Type of Rulemaking: Proposed Rule  
 Rule Number and Name: 4 CSR 90-7.010 - Reciprocity

Prepared November 27, 2000 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Cosmetology (issuance of licensure by reciprocity)	\$3,320.24

**Total annual cost  
for the life of the rule** **\$3,320.24**

**III. WORKSHEET**

**Licensure by Reciprocity Costs**

It is estimated that 680 cosmetology operators and 6 cosmetology instructors licensed in another state(s) are anticipated to apply for licensure by reciprocity 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 IN CLASS	TOTAL ANNUAL COST
Application Printing Cost	\$.15	686	\$102.90
Envelope for Mailing Application	\$.16	686	\$109.76
Postage for Mailing Application	\$.33	686	\$226.38
License Printing Cost	\$.11	686	\$75.46
Postage for Mailing License	\$.33	686	\$226.38

Total expense and equipment costs associated with printing and mailing the applications for reciprocity to applicants: **\$ 740.88**

Applications are processed by Licensure Technician II who reviews the application and updates the information contained on the application to the computerized licensing system. The Executive Director 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.

Staff resources for the executive director salary are shared with another board. The Licensure Technician II position is supported by the State Board of Cosmetology. The figures below represent the personal service costs paid by the State Board of Cosmetology for implementation of this rule.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$35,865	\$46,893.49	\$22.55	.38	7 minutes	\$2.66	\$1,824.76
Licensure Technician II	\$20,400	\$26,673	\$12.83	.22	5 minutes	\$1.10	\$754.60
Total personal service costs associated							<b>\$2,579.36</b>

with printing and mailing the applications for reciprocity to applicants:

The board anticipates that 680 cosmetology operators and 6 cosmetology instructors licensed in another state(s) will apply for licensure by reciprocity annually. The board does not anticipate any growth in the number of individual annually applying for reciprocity. The board estimates this process to cost the board approximately \$4.84 per application. Based on this assumption, the board estimates this application process will cost the board approximately \$3,320.24 annually for the life of the rule.

**IV. ASSUMPTIONS**

- 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 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:** 90 – State Board of Cosmetology

**Chapter:** 7 - Reciprocity

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 90-7.010 Reciprocity

### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost to comply with the rule by the affected entities:
680	Cosmetology Operators (Operator Reciprocity Fee @\$30)	\$20,400.00
680	Cosmetology Operators (Notary @ \$2.50)	\$1700.00
680	Cosmetology Operators (Application Postage @ \$.33)	\$224.40
680	Cosmetology Operators (Affidavit of from another state @ \$12.80)	\$8,704
680	Cosmetology Operators (Postage to mail the Affidavit to another state @ \$.33)	\$224.40
6	Cosmetology Instructors (Operator Reciprocity Fee @\$30)	\$180.00
6	Cosmetology Instructors (Notary @ \$2.50)	\$15.00
6	Cosmetology Instructors (Application Postage @ \$.33)	\$1.98



6	Cosmetology Instructors (Verification from another state @ \$12.80)	\$76.80
6	Cosmetology Instructors (Postage to mail the Affidavit to another state @ \$.33)	\$1.98

**Total Annual Private  
Entity Cost** **\$31,528.56**

**III. WORKSHEET**

See table above.

**IV. ASSUMPTIONS**

1. The board estimated that 680 cosmetology operator and 6 cosmetology instructors will apply for a license by reciprocity annually. The board does not anticipate any annual growth in the number of individuals applying for the above licensure categories.
2. For the purpose of this fiscal note the terms "Cosmetology Operators" and "Cosmetology Instructors" refers individuals who are licensed as such other states.
3. The board is not estimating a cost for private entities to submit a photograph since a snapshot photo can be submitted to meet the requirements of the rule.
3. This proposed amendment is estimated to cost private entities an estimated \$31,528.56 annually for the life of the rule. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 11—Sanitation**

**PROPOSED AMENDMENT**

**4 CSR 90-11.010 Sanitation.** The board is proposing to amend subsection (2)(D).

*PURPOSE:* This rule is being amended to change the strength of disinfectants to hospital grade.

(2) Sanitation Requirements.

(D) Disinfecting and Storing Implements. All implements (instruments or tools) used in cosmetology shops and schools, including scissors, clips, blades, rods, brushes, combs, etc. shall be thoroughly cleansed after each use. All implements which may come in contact directly or indirectly with the skin of the patron shall be disinfected with an Environmental Protection Agency (EPA)-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal, and tuberculocidal activity used according to the manufacturer's instructions. All implements shall be completely immersed in the solution or, if not capable of immersion, thoroughly dipped in the solution for a period of not less than five (5) minutes. Spray solutions may be used as approved by the board. Implements shall either be stored in the solution or removed and stored in a dust-tight cabinet, covered container or drawer at all times when not in use; the implement shall be permitted to air dry.

*AUTHORITY:* sections 329.035, 329.140, [and] 329.210], RSMo Supp. 1999] and 329.230, RSMo [1994] 2000. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 22, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Cosmetology, Pamela A. Hoelscher, Executive Director, PO Box 1062, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 140—Division of Finance  
Chapter 2—Banks and Trust Companies**

**PROPOSED AMENDMENT**

**4 CSR 140-2.070 Accounting for Other Real Estate.** The Missouri State Banking Board proposes to amend this regulation by deleting section (4).

*PURPOSE:* This amendment is necessary to make the regulation consistent with the statutes. Section 362.165, RSMo 2000 was amended in 1995 to allow banks to hold other real estate for ten years. There is no longer any process authorized by statute for approving extensions.

[(4) Section 362.165, RSMo provides for a six (6)-year maximum holding period for other real estate with no more than two (2) extensions of not more than twenty-four (24) months, each available with the approval of the commissioner. In applying for an extension, the bank must demonstrate a good faith effort has been made to dispose of the property and that this extension is in the best interests of the bank. In addition, if the property was originally booked at a value of fifty thousand dollars (\$50,000) or more, and is not being carried at a value less than fifty thousand dollars (\$50,000) pursuant to a subsequent valid appraisal, the application must be accompanied by an appraisal prepared by an independent, qualified appraiser made within six (6) months of the application. Should the new appraisal reflect a lower value than that on the books of the bank, the carrying value shall be reduced accordingly.]

*AUTHORITY:* sections 361.105, 362.105], RSMo Cum. Supp. 1992,] and 362.165, RSMo [1986] 2000. Original rule filed Dec. 10, 1981, effective April 1, 1982. Amended: Filed May 17, 1988, effective Aug. 26, 1988. Amended: Filed Jan. 12, 1993, effective June 7, 1993. Amended: Filed Dec. 29, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Economic Development, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Private entities who feel there is a cost which exceeds \$500 associated with this amendment, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on March 5, 2001, at the Harry S Truman State Office Building, Room 494, 301 West High Street, Jefferson City, Missouri.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 140—Division of Finance  
Chapter 2—Banks and Trust Companies**

**PROPOSED RULE**

**4 CSR 140-2.138 Financial Subsidiaries**

*PURPOSE:* This section sets forth authorized activities, approval procedures, and conditions for banks and trust companies engaging in activities through a financial subsidiary under section 362.105.1(15), RSMo 2000. In the interests of being brief and concise, the regulation does not include certain restrictions applicable only to extremely large institutions. The Division of Finance will amend the regulation to include these restrictions if appropriate in the future.

(1) Financial Subsidiary Powers. A bank or trust company may establish a "financial subsidiary." A financial subsidiary is any subsidiary of the bank or trust company other than a subsidiary that conducts only a) activities in which its parent bank or trust company may engage directly, and/or b) activities that are authorized for subsidiaries of that bank or trust company under Missouri statutes or regulations other than this regulation or section 362.105.1(15), RSMo 2000. A financial subsidiary may engage in

any of the activities authorized for a national bank financial subsidiary under the Gramm-Leach-Bliley Financial Modernization Act of 1999 and the implementing regulations and official federal agency interpretations.

(2) Requirements. To establish or continue to hold an interest in a financial subsidiary, a bank or trust company must:

(A) Meet the Missouri minimum capital requirement as defined in section (5) of this regulation;

(B) Be, along with each of its depository institution affiliates, well capitalized and well managed pursuant to the definitions included in section (5) of this regulation;

(C) In addition to providing information prepared in accordance with generally accepted accounting principles, separately present financial information for the institution in the manner provided in paragraph (5)(C)2. of this rule in any published or posted financial statement of the institution;

(D) Have aggregate consolidated total assets of all financial subsidiaries not exceeding 45% percent of the bank or trust company's consolidated total assets;

(E) Have reasonable policies and procedures to preserve the separate corporate identity and limited liability of the institution and the financial subsidiaries of the institution;

(F) Have procedures for identifying and managing financial and operational risks within the institution and the financial subsidiary that adequately protect the institution from such risks;

(G) Have obtained Community Reinvestment Act (CRA) ratings of "satisfactory record of meeting community credit needs" or better on the most recent CRA examination of the bank or trust company and any of its insured depository institution affiliates; and

(H) Comply with the requirements of sections 23A and 23B of the Federal Reserve Act applicable to financial subsidiaries.

(3) Notice and Approval Process. A bank or trust company establishing a financial subsidiary to conduct only agency activities must provide the Division of Finance with a written notice within 30 days after such establishment. However, a bank or trust company must obtain prior written approval from the Division of Finance before any of its financial subsidiaries can conduct any activities as principal.

(4) Remedies for Failure to Meet Requirements.

(A) If a bank or trust company does not continue to satisfy the requirements of subsections (2)(A) through (2)(F) of this regulation for establishing or holding an interest in a financial subsidiary, the bank or trust company must, within 45 days after receiving written notice from the Division of Finance of such noncompliance, either enter into an agreement with the Division of Finance to comply with such sections or be subject to enforcement action to require such compliance, which may include, but will not be limited to, restrictions on the activities of the institution or any of its subsidiaries or, if the noncompliance continues for 180 days or more after the written notice, divestiture of ownership in the financial subsidiary.

(B) The remedies specifically mentioned in subsection (4)(A) do not limit any ability of the Division of Finance to take any enforcement action based on any violation of statute or regulation or on any safety and soundness issue, including, but not limited to violations of other sections of this regulation.

(5) Definitions.

(A) "Establish a financial subsidiary" means to acquire control of a financial subsidiary or to control any subsidiary that commences financial subsidiary activities.

(B) "Missouri minimum capital requirement" means a level of capital which equals or exceeds the required minimum level specified by the Division of Finance.

(C) Well capitalized.

1. "Well capitalized" means an institution has a level of capital designated as "well capitalized" pursuant to 12 U.S.C. 1831o by the institution's appropriate federal banking agency, as defined in 12 U.S.C. 1813.

2. Provided, however, that for a bank or trust company that controls a financial subsidiary to be "well capitalized," it must also remain well capitalized as described in paragraph (5)(C)1. after deducting the aggregate amount of its outstanding equity investment, including retained earnings, in its financial subsidiaries from its total assets and tangible equity and also deducting such investment from its total risk-based capital, and the bank or trust company will not consolidate the assets and liabilities of the financial subsidiary with those of the bank or trust company for purposes of determining regulatory capital under this subsection.

(D) "Well managed" means:

1. An institution has received a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under an equivalent rating system) in connection with the most recent Division of Finance or federal regulatory agency examination or subsequent review of the institution and, at least a rating of 2 for management; or

2. In the case of an institution that has not been examined by the Division of Finance or a federal bank regulatory agency, the existence and use of managerial resources that the Division of Finance determines are satisfactory.

*AUTHORITY: sections 361.105, 362.105 and 362.106, RSMo 2000. Original rule filed Dec. 29, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Private entities who feel there is a cost which exceeds \$500 associated with this proposed rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on March 5, 2001, at the Harry S Truman State Office Building, Room 494, 301 West High Street, Jefferson City, Missouri.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 140—Division of Finance  
Chapter 6—Interpretative Rulings**

**PROPOSED RULE**

**4 CSR 140-6.085 Trust Representative Offices**

*PURPOSE: This section sets forth a definition for "trust representative offices," which are authorized by statute for certain in-state and out-of-state banks and trust companies, and establishes a procedure for establishing these offices.*

(1) A trust representative office is an office, agency or place of business at which a bank or trust company may advertise, market or solicit for fiduciary business; contact existing or potential customers; answer questions and provide information about matters related to their accounts; act as a liaison between the institution's

trust office and the customer (e.g., forward requests for distribution or changes in investment objective, or forward forms and funds received from the customer); or simply inspect or maintain custody of fiduciary assets. An institution may not accept fiduciary appointments, execute documents that create a fiduciary relationship or make decisions regarding the investment or distribution of fiduciary assets at a trust representative office.

(2) A Missouri chartered bank or trust company may establish one (1) or more trust representative offices, subject to sections 362.105.1(9) and 362.105.2, RSMo 2000. The institution shall provide the Division of Finance with a written notice within thirty (30) days after establishing each trust representative office.

(3) A "foreign corporation" as defined in section 362.600.1, RSMo 2000 may establish a trust representative office in Missouri if it meets the following requirements:

(A) The institution possesses fiduciary powers and is in good standing with its chartering agency;

(B) The institution holds a certificate of reciprocity from the Division of Finance;

(C) The institution is chartered by or has its principal place of business in a state that meets the reciprocity requirements for trust representative offices set forth in section 362.600.5(3), RSMo 2000; and

(D) The institution has provided the Division of Finance with a written notice at least thirty (30) days before establishing the trust representative office.

*AUTHORITY: sections 361.105, 362.105, 362.106 and 362.600, RSMo 2000. Original rule filed Dec. 29, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Private entities who feel there is a cost which exceeds \$500 associated with this proposed rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on March 5, 2001, at the Harry S Truman State Office Building, Room 494, 301 West High Street, Jefferson City, Missouri.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 150—State Board of Registration for the Healing Arts**

##### **Chapter 4—Licensing of Speech-Language Pathologists and Audiologists**

#### **PROPOSED AMENDMENT**

**4 CSR 150-4.060 Fees.** The board is proposing to amend the purpose statement.

*PURPOSE: This amendment removes the word "clinical" from the original Purpose statement to be consistent with legislative amendments made to Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.*

*PURPOSE: This rule establishes the fees for speech pathologists or [clinical] audiologists, or both.*

*AUTHORITY: sections 345.015, 345.022, 345.030, 345.045, 345.051, 345.055 and RSMo [Supp. 1999] 2000. Original rule filed July 1, 1988, effective Oct. 27, 1988. Amended: Filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed Dec. 22, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 32—Telecommunications Service**

#### **PROPOSED RULE**

**4 CSR 240-32.130 General Provisions—Prepaid Interexchange Calling Services**

*PURPOSE: This rule sets forth the applicability of the rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170.*

(1) This rule, and other rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170, shall apply to companies that provide prepaid calling interexchange services to the public using their own facilities or reselling the services of another telecommunications company.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 32—Telecommunications Service**

**PROPOSED RULE**

**4 CSR 240-32.140 Definitions—Prepaid Interexchange Calling Services**

*PURPOSE: This rule defines terms used in the rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170.*

- (1) Commission—The Missouri Public Service Commission.
- (2) Company—Any telecommunications company providing prepaid calling services to the public using its own facilities or reselling the services of another telecommunications company.
- (3) Customer—Any entity/person inquiring about or purchasing prepaid calling services.
- (4) Customer Service—A set of services which are available to the prepaid calling service user 24 hours a day, seven days a week via a domestic toll-free number.
- (5) Prepaid Calling Services (PPCS or Services)—Prepaid telecommunications service that allows end users to originate calls through an access number and authorization code, whether manually or electronically dialed.
- (6) Prepaid calling card (Card)—Any object containing an access number and authorization code that enables an end user to use PPCS. This includes, but is not limited to, retail, utility, promotion and collectible calling cards.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 32—Telecommunications Service**

**PROPOSED RULE**

**4 CSR 240-32.150 Qualifications for and Responsibilities of the Prepaid Calling Services**

*PURPOSE: This rule establishes the qualifications for and the responsibilities of the PPCS company.*

- (1) A company shall not provide prepaid calling services (PPCS) without first obtaining a certificate of service authority to provide interexchange telecommunications services and having an approved tariff on file at the commission.
- (2) The company name used on prepaid calling cards shall be identical to the name in which the certificate/tariff is issued.
- (3) A “doing business as” (d/b/a) name may be used on all prepaid calling cards if the d/b/a is registered with the Missouri Secretary of State as a fictitious name and the d/b/a is reflected on the certificate and the tariff prior to providing the service.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 32—Telecommunications Service**

**PROPOSED RULE**

**4 CSR 240-32.160 Customer Disclosure Requirements**

*PURPOSE: This rule establishes customer disclosure requirements.*

- (1) Company shall provide the following information to the customer before purchase. The information may be disclosed on the prepaid calling card, prepaid calling card packaging, visible display at the point of sale or in the presale document.
  - (A) The certificated name of the company providing prepaid calling services (PPCS) as provided for by 4 CSR 240-32.150.
  - (B) The domestic rate or an appropriate method for the user to calculate the per minute domestic rate plus all applicable surcharges or taxes and any added relevant variables.
  - (C) A statement that the charges outlined in subsection (1)(B) above have the effect of reducing the value of the prepaid calling card by increasing the effective per minute rate of the call.
  - (D) Any expiration policy.

(2) Company shall disclose the following information to the customer, either on the prepaid calling card or through an insert, after purchase.

(A) The certificated name of the company providing PPCS as provided for by 4 CSR 240-32.150.

(B) A toll-free customer service number.

(C) A toll-free network access number.

(D) An authorization code, if required to access the network.

(E) The domestic rate or an appropriate method for the service user to calculate the domestic cost per minute plus all applicable surcharges or taxes and any added relevant variables.

(F) A statement that the charges outlined in subsection (1)(B) above have the effect of reducing the value of the prepaid calling card by increasing the effective per minute rate of the call.

(G) Any expiration date.

(3) The company must ensure by contract with its retailers or distributors that the disclosure information is provided to the customer.

(4) Each company shall provide a live operator to answer all incoming calls 24 hours a day, 7 days a week; and/or, each company shall electronically voice-record end user complaints. If an electronic voice-recorder is used:

(A) The company shall attempt to contact each complainant no later than the next business day following the date of the recording.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 32—Telecommunications Service**

**PROPOSED RULE**

**4 CSR 240-32.170 Standards for Prepaid Calling Service**

*PURPOSE: This rule establishes standards for prepaid calling services.*

(1) The company shall not reduce the value of a service by more than the charges printed on the card, packaging, visible display at the point of sale or in any presale documentation.

(2) Service may be recharged by the customer at a rate higher than the rate at initial purchase or last recharge. The higher rate and surcharges shall be no more than the rates and surcharges in the tariff and the customer shall be informed of the higher charges at the time of recharge.

(3) Increments charged to the prepaid calling card shall be expressed in minutes of use, or fractions thereof.

(4) Each company shall ensure that a minimum of 98% of all call attempts shall be completed to the called party. Company will not charge for incomplete calls.

(5) Each company shall only charge for conversation time plus applicable disclosed surcharges. Conversation time begins when the called party answers the call and ends when either party terminates the call.

(6) When a company ceases operations in the state of Missouri, the company must:

(A) Provide the commission with 30 days advance notice in writing and include proof of customer notification.

(B) At least 30 days before termination, provide written notice to customers at the address on file with the company, if applicable, indicating that service will be ending and explain how customers may receive a refund on any unused service.

(C) Beginning at least 15 days before termination, provide oral notice of termination at the beginning of each call originated in Missouri, including the date of termination and a toll-free number to call for more information.

(D) Provide information to customer via its customer service number and the toll-free number outlining the procedure for obtaining refunds and continue to provide this information for 60 days from the date the company ceases operations in Missouri.

(7) Each company shall have a refund policy that meets the following minimum requirements:

(A) If a company is no longer able to provide service and the prepaid calling card is deemed no longer usable and has not exceeded the expiration period of the card, the company shall provide a refund to the customer in an amount equal to the value remaining on the account.

(B) Refunds may be cash or replacement service, at the company's option. The company must provide the refund to the customer within 60 days of notification by the customer.

(8) Conversation time of less than a full minute shall be rounded up no more than one full minute.

(9) Services without a specific expiration period printed on the card, and with a balance remaining, shall be considered active for a minimum of one year from the date of first use, or if recharged one year from the date of the last recharge.

(10) Each company shall be responsible for ensuring, either through its contracts with other telecommunications companies, distributors, or marketing agents, that prepaid services remain usable in accordance with this rule.

(11) All services sold in Missouri must comply with 4 CSR 240-32.130 through 4 CSR 240-32.170 six months after the effective date of the rules.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.*

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than \$500 in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
Division 10—Division of Employment Security  
Chapter 4—Unemployment Insurance**

**PROPOSED AMENDMENT**

**8 CSR 10-4.080 Joint Accounts.** The division proposes to amend sections (3), (4), (5), (6), and (12).

*PURPOSE:* This amendment clarifies when an applicant-employer can file an application to participate in a joint account. Current wording in section (3) allows an applicant-employer to file an application "at any time." Section (8) of this regulation states a joint account will be maintained only on a calendar-year basis. To make a comprehensible correlation between sections (3) and (8), the division proposes to amend section (3) and proposes to amend sections (4), (5), (6), and (12) to correct language usage.

(3) Any application to participate in a joint account [may] **must** be filed [at any time, provided, however,] **by the first day of April of the calendar year in which the applicant-employer's membership in the joint account is to become effective. In addition,** all contributions, interest and penalties due from the applicant-employer must be paid prior to the [effective date of] **division approving the applicant-employer's membership in the joint account.**

(4) All such applications shall be accepted only on the condition that the applicant waives all rights [s/he has in his/her] **to its individual employer account under the law when the division approves [his/her] the application and merges [his/her] its individual account in a joint account for experience rating purposes.**

(5) Each applicant-employer shall agree to assume joint and several liability for any contributions, interest and penalties accruing on the part of any one [(1)] of the employers participating in the joint account during the duration of the account in consideration for the division granting [him/her] **the applicant-employer** the right to participate in it.

(6) Each employer participating in a joint account agrees to maintain a sufficient record of [his/her] **its own employment in order that [s/he] the employer** can furnish the division with information necessary to enable the division to make proper certification to the

Bureau of Internal Revenue of the United States Treasury under the Federal Unemployment Tax Act and to enable the division to determine any benefit charges against [his/her] **the separate account.**

(12) Participation in a joint account shall not affect the right of any employer to terminate [his/her] **its liability**, but after termination, the employer, in all respects, shall be treated as a withdrawing employer under this rule.

*AUTHORITY:* section 288.220, RSMo [Supp. 1997] 2000. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed July 10, 1998, effective Dec. 30, 1998. Amended: Filed Dec. 28, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Marilyn Hutcherson, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
Division 60—Missouri Commission on Human Rights  
Chapter 3—Guidelines and Interpretations of  
Employment Anti-Discrimination Laws**

**PROPOSED AMENDMENT**

**8 CSR 60-3.040 Employment Practices Related to Men and Women.** The commission proposes to amend section (17).

*PURPOSE:* This proposed amendment is to clarify and to bring the rule in line with the federal standard for employer liability for sexual harassment by supervisors.

(17) Harassment on the basis of sex is a violation of Chapter 213, RSMo.

(C) Applying general principles of Chapter 213, RSMo, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as employer) is responsible for its acts and those of its agents, **employees** and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer [and regardless of whether] if the employer knew or should have known of their occurrence. [The commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.]

**(D) An employer is subject to vicarious liability to a victimized employee with respect to sexual harassment by a supervisor with immediate (or successively higher) authority over an employee or other supervisor who the employee reasonably believes has the ability to significantly influence employment decisions affecting him or her even if the harasser is outside the employee's chain of command.**

**1. When no tangible employment action is taken, an employer may raise an affirmative defense to liability or damages, subject to proof by a preponderance of the evidence. The**

defense comprises two necessary elements: a) that the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior, and b) that the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

2. No affirmative defense is available, however, when the supervisor's harassment culminates in a tangible employment action.

3. A tangible employment action is a significant change in employment status. It is the means by which the supervisor brings official power of the enterprise to bear on subordinates, as demonstrated by the following: it requires an official act of the enterprise; it usually is documented in official company records; it may be subject to review by higher level supervisors; and it often requires the formal approval of the enterprise and use of its internal processes. A tangible employment action usually inflicts direct economic harm.

4. Examples of tangible employment actions include but are not limited to: hiring and firing; promotion and failure to promote; demotion; undesirable reassignment; a decision causing a significant change in benefits; compensation decisions; and work assignments.

5. The commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in a supervisory capacity with immediate (or successively higher) authority over an employee or is another supervisor who the employee reasonably believes has the ability to significantly influence employment decisions affecting him or her even if the harasser is outside the employee's chain of command.

*AUTHORITY: section 213.030(6), RSMo [1986] 2000. This rule was previously filed as 4 CSR 180-3.040. Original rule filed Oct. 31, 1973, effective Nov. 10, 1973. Amended: Filed July 1, 1980, effective Nov. 13, 1980. Emergency amendment filed Sept. 17, 1999, effective Sept. 27, 1999, terminated Dec. 29, 1999. Amended: Filed Dec. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Commission on Human Rights, Attention: Steve Skolnick, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

### Division 70—Missouri Assistive Technology Advisory Council

#### Chapter 1—Assistive Technology Programs

#### PROPOSED AMENDMENT

**8 CSR 70-1.010 Telecommunications Access Program.** The division proposes to amend the rule by adding section (10).

*PURPOSE: This proposed amendment ensures access to a full range of adaptive equipment necessary for telecommunication by*

*adding Internet specific procedures as required by section 209.251 RSMo through 209.259, RSMo.*

#### (10) TAP for Internet Specific Procedures.

(A) Equipment Provided—Adaptive equipment needed for Internet access shall be provided in sufficient scope to meet the needs of individuals with all types of disabilities and shall be procured in a cost effective manner.

1. The program administrator shall develop and maintain a list of adaptive equipment designed to provide reasonable access to basic Internet service for individuals with a wide range of disabilities. The equipment list shall include adaptive computer equipment that is compatible with a wide range of commonly used computers, operating systems, browsers and electronic mail applications. The list will be provided with the application and certification form. The program will monitor the market for devices that might be added to the program to better meet individual needs and will update the list as necessary to remain current with the market.

2. The program may provide equipment not on the list if such equipment is necessary for basic Internet access and is cost effective when compared to devices on the list.

3. The program will not provide:

A. Base computer equipment or connection equipment needed for Internet access such as a standard computer, monitor, keyboard, mouse, modem, dial-up application, browser, electronic mail application, or other standard Internet related hardware and software;

B. Service from an Internet service provider;

C. Print output devices such as laser printers and braille embossers;

D. Adaptive devices needed for one-to-one personal communication such as hearing aids, artificial larynx, or other augmentative communication devices;

E. Devices needed for Internet access beyond computer adaptations, such as adaptive devices for cable television-based Internet access;

F. Keyboarding or other training beyond consumer support in the use of adaptive equipment.

4. The program shall not be obligated to provide adaptive equipment necessary for access to every Internet browser application, electronic mail application, dial-up application, or other Internet related software.

5. The program shall maintain a list of vendors with which it has contracted to provide adaptive computer equipment.

(B) Application Processing—The program administrator shall process TAP for Internet applications and deliver equipment and services that assure an appropriate match between an individual with a disability and adaptive equipment.

1. Each application shall be reviewed for completeness. If any information is incomplete, the applicant will be contacted and requested to supply such information.

2. Each applicant's eligibility will be verified by information provided on the application form.

3. If the application:

A. Requests equipment on the approved list, and no installation or usage support is needed, the request will be matched with disability certification and approved;

B. Includes an equipment worksheet completed by an approved consumer support provider, verifying applicant needs for the adaptive computer equipment identified, the application will be approved and authorization for consumer support services provided as needed;

C. Requests equipment not on the approved list, the explanation will be reviewed to determine if the equipment is necessary for basic Internet access and is cost effective as compared to devices on the list. If so, the equipment request will be approved.



4. Upon verification of applicant eligibility and determination of equipment/disability match, the program administrator shall order the equipment from an approved vendor and will notify the applicant that the equipment has been ordered.

5. Equipment orders shall include applicant name, make and model of equipment ordered, applicant or consumer support provider shipping address, and date of order. The program administrator shall transmit equipment orders directly to the vendor by facsimile or via other time expedient mechanism that is mutually agreeable.

6. Applicants will be notified if their equipment request cannot be approved as submitted and will be asked to revise their equipment request accordingly.

7. Upon receipt of equipment order, the vendor shall ship the equipment directly to the applicant's Missouri residence or to an approved consumer support provider by verifiable delivery mechanism.

8. The vendor shall provide the program administrator with a monthly invoice of all equipment ordered and delivered.

9. The program administrator may establish alternative and pilot programs to increase program quality and consumer satisfaction.

(C) Consumer Support—The program administrator shall deliver consumer support services directly or through contracts with individuals, organizations, vendors, or other entities. Consumer support providers shall:

1. Have expertise and experience of sufficient depth and breadth to assist consumers in identifying adaptive computer equipment that will meet their needs for Internet access;

2. Be able to provide adaptive computer equipment installation, orientation and use training;

3. Participate in training activities as may be required by the program administrator to assure equipment competency; and

4. Be able to demonstrate equipment knowledge and competency as required by the program administrator.

(D) Equipment Ownership, Repair and Replacement—

1. Adaptive computer equipment purchased for an individual applicant shall be owned by that applicant and applicants are in general responsible for service, repair, and replacement.

2. Configuration and compatibility adjustments, such as those created by Internet service provider changes or changes in operating system software, are the applicant's responsibility.

3. An applicant shall be eligible for replacement equipment every three years. The program administrator may approve equipment replacement within this time period for extenuating circumstances.

4. The program administrator will regularly review all upgrades to software products on contract for the program. If the upgrade is determined to be necessary for product efficiency and is cost effective, the upgrade will be provided notwithstanding the replacement cycle. All applicants who received a product eligible for an upgrade will be notified by the program and asked to submit an upgrade request.

5. If an applicant's disability changes, rendering the adaptive equipment needed for Internet access inappropriate to meet their needs, the applicant may reapply for new equipment and shall provide a description of the disability change.

*AUTHORITY: section 209.253, RSMo 2000. Emergency rule filed July 28, 2000, effective Aug. 28, 2000, expires Feb. 23, 2001. Original rule filed July 28, 2000, effective Jan. 30, 2001. Emergency amendment filed Dec. 21, 2000, effective Dec. 31, 2000, expires June 28, 2001. Amended: Filed Dec. 21, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Assistive Technology Advisory Council, 4731 South Chocise, Suite 114, Independence, MO 64055 or E-mail at matpmo@qni.com. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 45—Division of Mental Retardation and  
Developmental Disabilities  
Chapter 3—Care and Habilitation**

**PROPOSED RULE**

**9 CSR 45-3.070 Certification of Level I Medication Aides  
Serving Persons with Developmental Disabilities**

*PURPOSE: Individuals who administer medications or supervise self-administration of medications in any residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled, are required to be either a physician, a licensed nurse, a certified medication technician, a certified medication employee or a level I medication aide. The provisions of the rule do not apply to family-living arrangements unless they are receiving reimbursement through the Medicaid Home and Community-Based Waiver for persons with developmental disabilities. This rule sets forth the requirements for approval of a Level I Medication Aide Training Program designating the required course curriculum content, outlining the qualifications required of students and instructors, designating approved training facilities and outlining the testing and certification requirements.*

*PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.*

(1) The purpose of the Level I Medication Aide Training Program shall be to prepare individuals for employment as level I medication aides in any residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons with mental retardation or developmental disabilities. The training program does not prepare individuals for the parenteral administration of medications such as insulin or the administration of medications or other fluids via enteral feeding tubes.

(2) All aspects of the Level I Medication Aide Training Program included in this rule shall be met in order for a program to be considered approved.

(3) The objective of the Level I Medication Aide Training Program shall be to ensure that the medication aide will be able to—

(A) Define the role of a level I medication aide;

(B) Prepare, administer and chart medications by nonparenteral routes;

(C) Observe, report and record unusual responses to medications;

(D) Identify responsibilities associated with control and storage of medications; and

(E) Utilize appropriate drug reference materials.

(4) The course shall be a minimum of sixteen (16) hours of integrated formal instruction and practice sessions supervised by an approved instructor.

(5) The curriculum content shall include procedures and instructions in the following areas: basic human needs and relationships; drug classifications and their implications; assessing drug reactions; techniques of drug administration; documentation; medication storage and control; drug reference resources; and infection control.

(6) The course developed by the Missouri Department of Elementary and Secondary Education, Department of Mental Health and the Division of Aging as outlined in the manual entitled *Level I Medication Aide* (IE 64-1) produced by the Instructional Materials Laboratory, University of Missouri-Columbia shall be the approved course curriculum. This manual is incorporated by reference in this rule. Students and instructors each shall have a copy of this manual.

(7) A student shall not administer medications without the instructor present until s/he successfully completes the course and obtains a certificate.

(8) Student Qualifications.

(A) Any individual employable in a residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled, to be involved in direct consumer support shall be eligible to enroll as a student in this course or to challenge the final examination. Employable shall mean an individual who is at least eighteen (18) years of age, has a high school diploma or GED, who meets the requirements of 9 CSR 10-5.190 and is not listed on the Missouri Department of Mental Health Employee Disqualification Registry.

(B) The following individuals may qualify as level I medication aides by successfully challenging the final examination: Individuals who have successfully completed a medication administration course and are currently employed to perform level I medication administration tasks in a residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled. These individuals must also meet the definition of "employable" under subsection (8)(A).

(9) Those persons wanting to challenge the final examination shall submit a request in writing to the Missouri Division of Aging enclosing applicable documentation. If approved to challenge the examination, a letter from the Division of Aging will be sent to the applicant to present to an approved instructor so that arrangements can be made for testing.

(10) Instructor Qualifications.

(A) An instructor shall be currently licensed to practice as either a registered nurse or practical nurse in Missouri or shall hold a current temporary permit from the Missouri State Board of Nursing. The licensee shall not be subject to current disciplinary action such as censure probation, suspension or revocation. If the individual is a licensed practical nurse, the following additional requirements shall be met:

1. Shall not be waived: the instructor has a valid Missouri license or a temporary permit from the Missouri State Board of Nursing; and

2. Shall be a graduate of an accredited program, which has pharmacology in the curriculum.

(B) In order to be qualified as an instructor, the individual shall—

1. Have attended a "Train the Trainer" workshop to implement the Level I Medication Aide Training Program conducted by a Missouri registered nurse presenter approved by the Missouri Division of Aging.

2. Meet at least one (1) of the following criteria:

A. Have had one (1) year's experience working in a long-term care (LTC) facility licensed by the Division of Aging or in a residential facility operated, funded, licensed or certified by the Department of Mental Health within the past five (5) years;

B. Be currently employed in a LTC facility licensed by the Division of Aging or the Department of Mental Health and shall have been employed by that facility for at least six (6) months; or

C. Shall be an instructor in a Health Occupations Education Program.

(11) Sponsoring Agencies.

(A) The Level I Medication Aide Training Program may be sponsored by a residential provider or day program operated, funded, licensed or certified by the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities, or a Department of Mental Health regional center or habilitation center.

(B) The sponsoring agency is responsible for obtaining an approved instructor, determining the number of manuals needed for a given program, ordering the manuals for the students and presenting a class schedule for approval by an approved LTC association. The sponsoring agency shall maintain the following documentation: the name of the approved instructor; the instructor's Social Security number, current address and telephone number; the number of students enrolled; the name, address, telephone number, Social Security number and age of each student; the name and address of the facility that employs the student, if applicable; the date and location of each class to be held; and the date and location of the final examination. The LTC association that approved the course shall be notified in advance if there are any changes in dates or locations.

(C) Classrooms used for training shall contain sufficient space, equipment and teaching aids to meet the course objectives as determined by the approved LTC association.

(D) If the instructor is not directly employed by the agency, there shall be a signed written agreement between the sponsoring agency and the instructor which shall specify the role, responsibilities and liabilities of each party.

(12) Testing.

(A) The final examination shall consist of a written and a practicum examination administered by the instructor.

1. The written examination shall include twenty-five (25) questions based on the course objectives.

2. The practicum examination shall be done in a residential setting or day program operated, funded, licensed or certified by the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities or in a LTC facility which shall include the preparation and administration by nonparenteral routes and recording of medications administered to consumers under the direct supervision of the instructor and the person responsible for medication administration in the facility. Testing on medications not available in a residential setting or day program operated, funded, licensed or certified by the Department of Mental Health or in a LTC facility shall be done in a simulated classroom situation.

(B) A score of eighty percent (80%) is required for passing the final written examination and one hundred percent (100%) accuracy in the performance of the steps of procedure in the practicum examination.

(C) The final examination, if not successfully passed, may be retaken within ninety (90) days one (1) time without repeating the course, however, those challenging the final examination must

complete the course if the examination is not passed in the challenge process.

(D) The instructor shall complete final records and shall submit these and all test booklets to the sponsoring agency.

(13) Records and Certification.

(A) Records.

1. The sponsoring agency shall maintain records of all individuals who have been enrolled in the level I Medication Aide Training Program and shall submit to the LTC association which approved the course all test booklets, a copy of the score sheets and a complete class roster.

2. A copy of the final record shall be provided to any individual enrolled in the course.

3. A final record may be released only with written permission from the student in accordance with the provisions of the Privacy Act—PL 900-247.

(B) Certification.

1. The LTC association which approved the course shall award a level I medication aide certificate to any individual successfully completing the course upon receiving the required final records and test booklets from the sponsoring agency.

2. The LTC association that approved the course shall submit to the Missouri Division of Aging the names of all individuals receiving certificates and the Division of Aging will add the names to the level I medication aide statewide registry.

3. Medication aides who do not currently meet certification requirements must successfully pass the level I medication aide course or challenge the final examination, if eligible, and obtain a level I medication aide certificate eighteen (18) months from the effective date of this regulation. Individuals who fail to comply shall not be allowed to administer medications.

(14) Bi-Annual Training Program.

(A) Level I medication aides shall participate in a minimum of four (4) hours of medication administration training every two (2) years in order to administer medications in a residential setting or day program funded, certified or licensed by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled. The training shall be taken in two (2) two (2)-hour blocks or a four (4)-hour block and must be completed by the anniversary date of the medication aide's initial level I medication aide certificate. The training shall be—

1. Offered by a qualified instructor as outlined in section (10) of this rule; and

2. Documented on the Level I Medication Aide Bi-Annual Training form MO 650-8730 and kept in the employee's personnel file. This form is incorporated by reference in this rule.

(B) The training shall address at the least the following:

1. Medication ordering and storage;

2. Medication administration;

A. Use of generic drugs;

B. How to pour, chart, administer and document;

C. Information and techniques specific to the following: inhalers, eye drops, topical medications and suppositories;

D. Infection control;

E. Side effects and adverse reactions;

F. New medications and/or new procedures;

G. Medication errors;

3. Individual rights, and refusal of medications and treatments;

4. Issues specific to the facility/program as indicated by the needs of the consumers, and the medications and treatments currently being administered; and

5. Corrective actions based on problems identified by the staff, the trainees or issues identified by regulatory and accredi-

ing bodies, professional consultants or by any other authoritative source.

(C) The Department of Mental Health regional centers will routinely monitor the quality of medication administration. When quality assurance monitoring documents that a level I medication aide is not administering medications within training guidelines, the regional center may require the aide to take additional training in order to continue passing medications in the residential setting or day program.

(16) Maintain Certification.

(A) If the Department of Mental Health or Division of Aging, upon completion of an investigation, finds that the Level I medication aide has stolen or diverted drugs from a consumer or facility or has had his/her name added to the Department of Mental Health Employee Disqualification Registry or the Division of Aging Employee Disqualification List, the Division of Aging shall render the medication aide's certificate invalid.

*AUTHORITY: sections 630.050 and 633.190, RSMo 2000. Original rule filed Jan. 10, 2001.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: It is estimated that this rule will cost private entities approximately \$258,306 during the first year of implementation. In subsequent years the cost will increase due to inflation. See fiscal note.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Jackie Coleman, Deputy Division Director, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. No public hearing is scheduled.*

**Fiscal Note  
Private Entity Cost**

**I. RULE NUMBER.** (All of the information in Part I comes from the header of the rule.)

Title: 9—Department of Mental Health  
 Division: 45—Division of Mental Retardation and Developmental Disabilities  
 Chapter: 3—Care and Habilitation  
 Type of Rulemaking: Proposed  
 Rule Number and Name: 9 CSR 45-3.070 Certification of Level I Medication Aides Serving Persons with Developmental Disabilities

**II. SUMMARY OF FISCAL IMPACT.** Present a summary of the fiscal impact. If the proposed rulemaking will affect more than one category of business, use one row for each category. In the first row, fill I the estimated number of business in the first category. In the second column, fill in the type of business in the category (i.e. what is the category). In the third column, fill in the aggregate cost (over the life of the rule) to all businesses in this category.

Estimate of the number of entities by class which would likely be affected by the adopting 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 wit the rule be the affected entities:
422	Agencies serving persons with developmental disabilities	\$258,306 in first year of implementation

**III. WORKSHEET.** ( Present more detailed fiscal information.)

There are three parts to the cost analysis:  
 Part A: estimates the cost of getting current staff who administer medications certified.  
 Part B: estimates the cost of implementing a bi-annual in-service training requirement for current staff.  
 Part C: estimates the costs of increased initial training and certification for replacement (turnover) staff.

Please refer to the attachment for additional information.

**IV. ASSUMPTIONS AND METHODOLOGY.** (Present assumptions, references and methods of acquiring information that underlie the conclusions in the fiscal note. Examples of information that might be included here are the sources of information presented in the fiscal note, why those sources were chosen and eventualities that might cause the fiscal impact to be different from your estimate.)

Refer to the attachment.

### Level I Med Aide Training Requirements: Fiscal Impact

The Division of MRDD conducted a survey in March and April of 2000, on which the following data is based. Of 255 private agencies responding, 251 provided some amount of medication administration. The survey asked how many hours of initial medication administration training each provider offered, and how many hours of medication administration in-service training each offered, together with the schedule of in-service training. We annualized the medication aide in-service training hours reported (the equivalent of 2 hours per year will be required). Some providers indicated they currently provide 18 or more hours of training overall, but not in a 16/2 configuration. We assume these agencies could, at no added cost, reconfigure their training schedules.

Nearly 50% of potentially affected providers, many of them smaller operations, did not respond to the survey, representing approximately a third again as many staff as were reported by the providers who did respond. The cost analyses which follow incorporate a 50% increase for the affected provider agencies and a 33% increase in either affected staff or projected hours needed for those staff, to account for those providers which did not respond. Where an analysis refers to the numbers from the survey itself, this will be stated.

There are three parts to the cost analysis.

Part A. estimates the cost of getting current staff who administer medications certified.

Part B. estimates the cost of implementing a bi-annual in-service training requirement for current staff.

Part C. estimates the costs of increased initial training and certification for replacement (turnover) staff.

#### A. The cost of certifying all current staff who administer medications:

In the survey, 169 provider respondents indicated they provided 16 hours of initial training or its equivalent. 1745 staff from these agencies needed to challenge the level-one exam. 40 respondents did not provide a full 16 hours of initial training, but all of their staff were already certified or otherwise qualified (nurses or Certified Medication Technicians). 42 respondents did not provide 16 hours of initial training and had staff needing to challenge the exam. Of these 42, 17 provided or could provide at least 12 hours of initial training and 25 could not.

In those agencies providing 16 hours initial training, which we will term "type x" providers (the 169 mentioned above), the staff who challenge the DOA exam have more than a 99% chance of passing (information from Division of Aging).

Providers which give less than 16 hours initial training and have non-certified staff administering medications may still have their staff challenge the exam, but the staff will have less chance of passing than if they have had the benefit of a full 16 hours training. On the other hand, many of the staff in these agencies have had considerable experience in medication administration, and may well need just a little, if any, extra training to successfully challenge the exam. Therefore, we assumed that provider agencies able to offer at least 12 hours would be able to prepare their staff adequately to pass the exam, without additional cost. We term these agencies "type y" providers.

Those unable to provide even 12 hours we term "type z" providers, and for purposes of this analysis they are assumed to need to add enough hours to their current training to make up the 12 in order to prepare their staff to challenge the exam.

#### Assumptions

1. Costs per "lost" staff hour for the training are projected as follows:
  - Current cost assumed to be \$9.73
  - Cost inflated by 25% assuming half of staff will be able to be trained without incurring overtime.
  - Cost of living inflator of 3% per year after first year.

- Average cost per staff hour in Part A weighted to account for 18 month implementation (two thirds of cost in first year; one third in second year at increased rate).
2. Cost of the training itself is projected at \$5.00 per hour per trainee, as is the cost of administering the exam. The average cost of training and testing, including materials and instructor, is assumed to be \$95, according to the Division of Aging's experience. 16 hours of training plus one hour of testing is done in a class setting. An additional .5 hour of practicum is required, one on one, as part of the test. The cost breakdown, on average, is \$5.00 per staff for a class of four ( $\$5.00 \times (17 + (4 \times .5)) = \$95$ ).
  3. Hours needed for training was projected by multiplying the number of staff needing to challenge the exam in a given agency by the difference between that agency's current training capacity and 12.
  4. Average time to take the exam is 1.5 hours.
  5. Number of agencies, affected staff and needed hours in the following table are inflated to account for survey non-respondents.

	Affected Agencies	Staff needing certification	Training hours needed	Exam hours needed	Certificates needed
"Type x"	338	2321	0	3482	2321
"Type y"	34	685	0	1028	685
"Type z"	50	698	5583	1047	698
subtotal	422	3704	5583	5556	3704
staff cost per hour			\$12.28	\$12.28	
training cost per hour			\$5.00	\$5.00	
total cost per hour			\$17.28	\$17.28	
cost for certificate					\$14.00
totals			\$96,474	\$96,008	\$51,856
total cost part A					\$244,338
weighted cost year one					\$162,892
weighted cost year two					\$81,446

**B. The cost of future in-service training for current staff who administer medications:**

**Assumptions**

1. Affected agencies: If the agency doesn't currently provide at least 4 hours bi-annual (or 2 hours annual) in-service training, and if its total initial-plus-annual training package is less than 18 hours, it will have a cost in future to increase its bi-annual in-service training to 4 hours.
2. Cost per hour
  - For staff to take the in-service training, staff cost per hour was inflated by 3% annually, starting from the base of \$9.73 per hour. All providers are assumed to be able to incorporate in-service training without incurring overtime pay.
  - The cost of providing the training is assumed to be \$5.00 per hour (see A.2. above).
  - Total cost per staff hour is the sum of hourly staff cost plus training cost.
3. Projection of hours
  - Hours needed for affected staff to take the in-service training is calculated as the agency's "missing" hours times the number of non-nurse/non CMT staff.
4. Projection for non-respondents to survey
  - As in Part A, affected providers in the survey were doubled to account for non-respondents, and the hours needed for affected staff were increased by one-third. Thus 118 providers and 2457 staff are projected to be affected by Part B.

5. Costs for Part B will apply to each year after the first year the rule is effective because of the 18 months allowed for implementation.

Year	Staff Plus Training Costs per hour	Costs for 2457 staff by year
Year 2	\$15.02	\$36,909
Year 3	\$15.32	\$37,648
Year 4	\$15.63	\$38,408
Year 5	\$15.95	\$39,192
Year 6	\$16.28	\$39,999
Year 7	\$16.62	\$40,831
Year 8	\$16.97	\$41,687
Year 9	\$17.33	\$42,569
Year 10	\$17.70	\$43,478
Year 11	\$18.08	\$44,413
Year 12	\$18.47	\$45,377
Year 13	\$18.87	\$46,370
Year 14	\$19.29	\$47,393
Year 15	\$19.72	\$48,446
Year 16	\$20.16	\$49,531
Year 17	\$20.61	\$50,648
Year 18	\$21.08	\$51,799
Year 19	\$21.56	\$52,984
Year 20	\$22.06	\$54,205
<b>Total for Part B</b>		<b>\$851,888</b>

C. The cost of initial training for future replacement (turnover) staff:

Assumptions

1. Affected agencies: Provider agencies with less than 16 hours of initial training.
2. Affected staff: Non-nurse/non-CMT staff in affected agencies times a projected 40% turnover. The number of non-certified turnover staff in the affected agencies is projected to decrease by 5% annually, as certified workers become more prevalent in the workforce.
3. Hours: The additional hours needed to make 16. In the affected agencies responding to the survey, the average additional hours needed was 7.3 hours per staff.
4. Costs:
  - Hourly cost for staff is increased by 3% annually from first year cost of \$9.73.
  - No overtime costs are projected because these staff will be new and therefore expected to go through orientation before delivering services.
  - The cost for providing the training is projected at \$5.00 per hour.
  - The cost of the certificate is \$14 per trainee.
5. Projection for non-respondents: Affected providers in survey were doubled to account for non-respondents and the affected staff were increased by one-third.

<u>new (turnover) non-certified staff needing added training</u>	<u>cost for added training</u>
First year	739 \$95,414
year 2	703 \$92,141
year 3	667 \$88,998

year 4	634	\$85,982
year 5	602	\$83,085
year 6	572	\$80,303
year 7	544	\$77,631
year 8	516	\$75,063
year 9	491	\$72,596
year 10	466	\$70,224
year 11	443	\$67,944
year 12	421	\$65,751
year 13	400	\$63,642
year 14	380	\$61,613
year 15	361	\$59,661
year 16	343	\$57,782
year 17	325	\$55,974
year 18	309	\$54,232
year 19	294	\$52,555
year 20	279	\$50,940

## D. Summary Total Cost by Year

Year of Rule	Part A	Part B	Part C	Total Cost per Year
Year 1	\$162,892	\$0	\$95,414	\$258,306
Year 2	\$81,446	\$36,909	\$92,141	\$210,495
Year 3	\$0	\$37,648	\$88,998	\$126,646
Year 4	\$0	\$38,408	\$85,982	\$124,390
Year 5	\$0	\$39,192	\$83,085	\$122,277
Year 6	\$0	\$39,999	\$80,303	\$120,302
Year 7	\$0	\$40,831	\$77,631	\$118,461
Year 8	\$0	\$41,687	\$75,063	\$116,750
Year 9	\$0	\$42,569	\$72,596	\$115,165
Year 10	\$0	\$43,478	\$70,224	\$113,702
Year 11	\$0	\$44,413	\$67,944	\$112,357
Year 12	\$0	\$45,377	\$65,751	\$111,128
Year 13	\$0	\$46,370	\$63,642	\$110,012
Year 14	\$0	\$47,393	\$61,613	\$109,006
Year 15	\$0	\$48,446	\$59,661	\$108,107
Year 16	\$0	\$49,531	\$57,782	\$107,313
Year 17	\$0	\$50,648	\$55,974	\$106,622
Year 18	\$0	\$51,799	\$54,232	\$106,031
Year 19	\$0	\$52,984	\$52,555	\$105,540
Year 20	\$0	\$54,205	\$50,940	\$105,145
Total	\$244,338	\$851,888	\$1,411,531	\$2,507,757





STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH  
MENTAL RETARDATION DEVELOPMENTAL DISABILITIES  
**LEVEL I MEDICATION AIDE BI-ANNUAL TRAINING**

EMPLOYEE NAME	DATE OF BIRTH / /	SOCIAL SECURITY NUMBER - -
EMPLOYEE ADDRESS	LEVEL I MEDICATION AIDE CERTIFICATE (INITIAL)  DATE ISSUED ___/___/___ CERTIFICATE #	
SPONSORING FACILITY NAME		
SPONSORING FACILITY ADDRESS		
<b>A. Training shall address at least the following</b>	DATE OF TRAINING ___/___/___ HOURS COMPLETED _____	DATE OF TRAINING ___/___/___ HOURS COMPLETED _____
1. Medication ordering and storage		
2. Medication administration		
<input type="checkbox"/> Use of generic drugs		
<input type="checkbox"/> How to pour, chart, administer and document		
<input type="checkbox"/> Information and techniques specific to the following: inhalers, eye drops, topical medications and suppositories		
<input type="checkbox"/> Infection Control		
<input type="checkbox"/> Side effects and adverse reactions		
<input type="checkbox"/> Update on new medications or new procedures		
<input type="checkbox"/> Medication errors		
3. Individual rights, and refusal of medications and treatments;		
4. Issues specific to the facility/program as indicated by the needs of the residents/clients, and the medications and treatments currently being administered		
5. Corrective actions based on problems identified by the staff, the trainees or issues identified by regulatory and accrediting bodies, professional consultants or by any other authoritative source; and		
Other specify:		
<p>The training shall be taken in two (2) two (2) hour blocks or a four (4) hour block and must be completed by the anniversary date of the medication aide's initial level 1 medication aide certificate. Level I Medication Aides who do not participate in at least 4 hours of Medication Administration training every two years will not be allowed to administer medication in accordance with 9CSR 45-3.060. A signed copy of this form denotes compliance with the training requirement and must be included in the employee's personnel file. It is the responsibility of the agency to offer and the employee to participate in the required training.</p>		
RN/LPN SIGNATURE (INSTRUCTOR)	LICENSE NUMBER	DATE
EMPLOYEE SIGNATURE		DATE
SPONSORING FACILITY(AUTHORIZED SIGNATURE)		DATE

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

**PROPOSED AMENDMENT**

**10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes.** The commission proposes to amend sections (1) and (4) and subsections (2)(B), (2)(C), and (3)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the recently adopted new rule that is currently being added to the Missouri State Implementation Plan.

*PURPOSE: The purpose of this amendment is to update the language and clarify the requirements of the rule. The evidence supporting this proposed rulemaking, per section 536.016, RSMo, is public hearing testimony on March 30, 2000, and letters received from Associated Electric Cooperative, Inc., U.S. Environmental Protection Agency, and Regional Commerce and Growth Association requesting changes.*

(1) Applicability.

(A) This regulation applies to any operation, process or activity, in which the products of combustion do not come into direct contact with process materials, the burning of refuse, and the processing of salvageable material by burning that emits particulate matter.

(B) The provisions of this rule shall not apply to the following:

1. Cotton gins;
  2. The grinding, crushing and classifying operations at a rock quarry;
  3. The receiving and shipping of whole grain from or into a railroad or truck transportation source at a grain elevator;
  4. Smoke generating devices, as defined in subsection (2)(D) of this rule, when a required permit or a written determination that a permit is not required has been issued or written;
  5. Batch-type charcoal kilns required to comply with 10 CSR 10-6.330; *[and]*
  6. The burning of fuel for indirect heating./;
  7. Fugitive emissions;
  8. Emission sources that are exempt from construction permitting under 10 CSR 10-6.060 paragraphs (1)(D)1. and (1)(D)2.;
  9. The burning of refuse;
  10. The processing of salvageable material by burning;
- and
11. Emission units that at maximum design capacity have a potential to emit less than one-half (0.5) pounds per hour of particulate matter.

(C) In the event that other rules in Title 10 Code of State Regulations are also applicable to particulate matter emission units, the more stringent requirement shall apply.

(2) Definitions.

(B) Process weight rate is defined as a rate in tons per hour established as follows:

1. The rate of materials introduced to the process which may cause any emission of particulate matter;

*[1.]2.* For continuous or long-run steady-state emission units, the total process weight for the entire period of continuous operation or for a typical portion, divided by the number of hours of that period or portion;

*[2.]3.* For cyclical or batch emission units, the total process weight for a period of time which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during that period; or

*[3.]4.* Where the nature of any process or operation or the design of any equipment permits more than one (1) interpretation of this section, that interpretation which results in the minimum value for allowable emission shall apply.

(C) For purposes of this regulation, a jobbing cupola is defined *[in the Springfield-Greene County area as a cupola which has a single melting cycle operated no more than twelve (12) hours in any consecutive twenty-four (24) hours and no more than sixty (60) hours in any consecutive seven (7) days. For the rest of the state of Missouri, a jobbing cupola is defined]* as a cupola which has a single melting cycle operated no more than ten (10) hours in any consecutive twenty-four (24) hours and no more than fifty (50) hours in any consecutive seven (7) days.

(3) General Provisions.

(A) Emission Limitations. All applicable sources, except grey iron jobbing cupolas and corn wet milling drying processes, shall meet the following requirements:

1. Except as provided for in paragraph (3)(A)2. and *[paragraph] subsection (1)(B)* of this rule, no person shall cause, suffer, allow or permit the emission of particulate matter in any one (1) hour from any source in excess of the amount calculated using one of the following equations *[for the process weight allocated to that source] selected based on the applicable process weight rate:*

For process weight rates of 60,000 pounds per hour (lb/hr) or less:

$$E = 4.10P^{0.67}$$

and for process weight rates greater than 60,000 lb/hr:

$$E = 55.0P^{0.11} - 40;$$

where:

E = rate of emission in lb/hr; and

P = process weight rate in tons per hour (tons/hr); or

2. The limitations established by paragraph (3)(A)1. of this rule shall not require the reduction of particulate matter concentration, based on the source gas volume, below the concentration specified in paragraph (3)(A)2., Table I of this rule for that volume; provided that, for the purposes of this section, the person responsible for the emission may elect to substitute a volume determined according to the provisions of *[subsection] paragraph (3)(A)3.* of this rule; and provided further that the burden of showing the source gas volume or other volume substituted, including all the factors which determine volume and the methods of determining and computing the volume shall be on the person seeking to comply with the provisions of this section.

Table I

Source Gas Volume, / (at Standard Cubic Foot Per Minute)	Concentration Grain Per Cubic Foot
7,000 or less	0.100
8,000	0.096
9,000	0.092
10,000	0.089
20,000	0.071
30,000	0.062
40,000	0.057
50,000	0.053
60,000	0.050
80,000	0.045
100,000	0.042
120,000	0.040
140,000	0.038
160,000	0.036
180,000	0.035
200,000	0.034
300,000	0.030
400,000	0.027
500,000	0.025
600,000	0.024

Source Gas Volume, <sup>1</sup> (at Standard Cubic Foot Per Minute)	Concentration Grain Per Cubic Foot
800,000	0.021
1,000,000 or more	0.020; or

3. Any volume of gases passing through and leaving an air pollution abatement operation may be substituted for the source gas volume of the emission unit served by the air pollution abatement operation, for the purposes of paragraph (3)(A)2. of this rule, provided that air pollution abatement operation emits no more than forty percent (40%) of the weight of particulate matter entering; and provided further that the substituted volume shall be corrected to standard conditions and to a moisture content no greater than that of any gas stream entering the air pollution abatement operation; and

4. Notwithstanding the provisions of paragraphs (3)(A)1. and (3)(A)2. of this rule, no person shall cause, allow or permit the emission of particulate matter from any source in a concentration in excess of 0.30 grain per standard cubic foot of exhaust gases.

(4) Reporting and Record Keeping. *[(Not Applicable)]* All records of any tests performed to determine the amount of particulate matter emitted from a unit shall be kept on-site and available for inspection for five (5) years following the test date.

*AUTHORITY: section 643.050, RSMo [Supp. 1999] 2000. Original rule filed Jan. 14, 2000, effective Aug. 30, 2000. Amended: Filed Dec. 22, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., March 29, 2001. The public hearing will be held at the Ramada Inn, 2115 N. Westwood, Poplar Bluff, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., April 5, 2001. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED RULE**

**11 CSR 45-5.065 Patrons Unlawfully on Excursion Gambling Boat—Not Eligible for Gambling Game Winnings**

*PURPOSE: This rule establishes a procedure for denying a patron that is unlawfully on the casino floor from claiming winnings from a gambling game.*

(1) As used in this rule, “gambling game payout” means any money, merchandise or thing of value that, according to the rules of the gambling game that have been approved by the commission, is to be paid to a patron because of a specific combination(s) of characters or symbols on an electronic gaming device or a specific result in a table game.

(2) Patrons that are excluded from excursion gambling boats pursuant to 11 CSR 45-10.115, 11 CSR 45-15 et seq., 11 CSR 45-17 et seq. and patrons who are under twenty-one (21) years of age, are not eligible to claim gambling game payouts.

(3) If, prior to awarding a gambling game payout, a licensee learns that the patron attempting to claim the winnings fits the criteria in section (2) of this rule, the licensee shall immediately notify a commission agent. The commission agent shall require the patron to produce positive photo identification. If the commission agent determines that the patron fits the criteria set forth in section (2) of this rule, he shall order the licensee to return the wager to the patron and deny the patron the proceeds of the gambling game payout. The agent shall then escort the patron off the excursion gambling boat and shall take enforcement action as deemed appropriate or as mandated by law. For accounting purposes, the proceeds of the gambling game payout shall be treated as though the wager had not been made.

*AUTHORITY: sections 313.004, 313.805, 313.817 and 313.822, RSMo 2000. Original rule filed Dec. 27, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for March 6, 2001, at 10:00 a.m., at the Missouri Gaming Commission, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 25—Motor Vehicle Financial Responsibility**

**PROPOSED AMENDMENT**

**12 CSR 10-25.030 Hearings Held Pursuant to Section 303.290.1, RSMo.** The director proposes to amend section (4).

*PURPOSE: The purpose of this amendment is to change “officer notice” to “mandatory insurance” in section (4).*

(4) Hearings for *[officer notice]* mandatory insurance sampling cases will be scheduled and conducted by telephone unless a request for an in-person hearing is made. All other hearings under Chapter 303 RSMo, will be held in Jefferson City, Missouri.

*AUTHORITY: section 303.290, RSMo [1994] 2000. Original rule filed Nov. 23, 1973, effective Dec. 3, 1973. Amended: Filed Jan. 17, 1974, effective Jan. 27, 1974. Amended: Filed July 3, 1981, effective Oct. 15, 1981. Amended: Filed May 31, 2000, effective Nov. 30, 2000. Amended: Filed Dec. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.