

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

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

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

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

Proposed Amendment Text Reminder:
Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

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

PROPOSED AMENDMENT

3 CSR 10-4.111 Endangered Species. The commission proposes to amend subsection (3)(F) of this rule.

PURPOSE: This amendment adds Virginia Sneezeweed to the list of endangered plants 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:

(F) Plants: Small Whorled Pogonia, Mead's Milkweed, Decurrent False Aster, Missouri Bladderpod, Geocarpon, Running Buffalo

Clover, Pondberry, Eastern Prairie Fringed Orchid, Western Prairie Fringed Orchid, **Virginia Sneezeweed.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-9.566 Licensed Hunting Preserve: Records Required. The commission is amending the text of the rule and dividing it into sections.

PURPOSE: This amendment eliminates the requirement that a department form be used to record shooting area activities on game bird hunting preserves, and instead outlines the record keeping information that is required.

(1) *[Licensed]* **Big game** hunting preserve permittees shall keep a current record, by date, of the number of each species held, acquired, propagated, sold, released, the number of each species taken on the preserve and the full name, address, and permit number (if applicable) of each buyer, seller, shooter and/or taker, on forms provided by the department.

(2) **Game bird hunting preserve permittees shall keep an accurate permanent record of the number of each species acquired, propagated, sold, released, the number of each species taken and the full name and address of the taker.**

(3) These records and applicable state and federal animal health records and permits for each animal shall be maintained on the premises of the licensed hunting preserve and shall be subject to inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Emergency rule filed March 11, 2002, effective March 21, 2002, expired Sept. 16, 2002. Original rule filed March 11, 2002, effective July 30, 2002. Amended: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-9.627 Dog Training Area Permit. The commission proposes to amend provisions of this rule, amend the purpose and delete the form that follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment eliminates the need for banding game birds taken on dog training areas. Instead, a dated receipt showing the name, address and permit number of the taker, the number and species of game birds taken, and the dog training area permittee's name and permit number will be required.

PURPOSE: This rule establishes a permit to operate a bird dog training area [land sets requirements for these operations].

[A dog training area permit is required to operate a dog training area, and to purchase, hold, release and shoot on the training area legally acquired pheasants, exotic partridge and quail as an aid to dog training. Dog training areas shall be a single tract of land not more than twenty (20) acres in size and posted with signs, which sign is incorporated into this rule by reference, specified by the department. Shooting privileges shall be limited to the individual permittee and not more than two (2) training assistants, whose names shall be listed on the permit application and specified in the permit. All shooters shall possess the prescribed hunting permit. The permittee shall attach to each game bird killed on the area a leg band obtained from the department at a cost of ten dollars (\$10) per hundred (100) bands, and no game birds shall be transported from the area without the prescribed leg band.] To operate a dog training area, and to purchase, hold, release and shoot on the training area legally acquired pheasants, exotic partridge and quail. Fee: twenty dollars (\$20).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 31, 1965, effective Dec. 31, 1965. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-9.628 Dog Training Area: Privileges

PURPOSE: This rule clarifies the privileges and responsibilities under this permit by creation of a new rule, and clarifies that more than one (1) dog training area permit may be issued for the same tract of land.

(1) A dog training area permit is required to operate a dog training area, and to purchase, hold, release and shoot on the training area legally acquired pheasants, exotic partridge and quail as an aid to dog training. Receipts for all game birds purchased or held must be maintained, and are subject to inspection by an authorized agent of the department at any reasonable time. Game birds held for more than twenty-four (24) hours must be confined in facilities that meet standards specified in 3 CSR 10-9.220.

(2) Dog training areas shall be a single tract of land not more than twenty (20) acres in size and posted with signs, which sign is included herein, specified by the department. Multiple dog training area permits may be issued for a single tract of land.

(3) Shooting privileges shall be limited to the individual permittee and not more than two (2) training assistants, whose names shall be listed on the permit application and specified in the permit. All shooters shall possess the prescribed hunting permit.

(4) Game birds taken on a dog training area may be possessed and transported from the area only when accompanied by a receipt listing the date, number and species taken, and the dog training area permittee's name and permit number; or when accompanied by an approved transportation sticker for each game bird taken. Transportation stickers must be purchased from the department by the dog training area permittee. Legally acquired game birds may be taken in any numbers on such areas.

**DOG TRAINING
AREA
BOUNDARY**

**OPERATED UNDER MISSOURI CONSERVATION
COMMISSION PERMIT**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.627. Original rule filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions Chapter 2—State-Chartered Credit Unions

PROPOSED RULE

4 CSR 100-2.005 Frequency of Credit Union Examinations

PURPOSE: This rule sets forth the frequency of credit union examinations and the factors the director may consider when determining the frequency of credit union examinations.

(1) The director of the Division of Credit Unions, or the director's agents, may examine a credit union at any time and shall have free access to all books, papers, securities, and other sources of information pertaining to the credit union.

(2) Qualifying credit unions, as determined by the director, shall be examined no less frequently than every eighteen (18) months. All other credit unions shall be examined annually.

(3) The factors the director may consider, when determining whether or not a credit union may qualify for examinations less frequently than annually, may include, but shall not be limited to:

(A) The credit union has been in operation for ten (10) years;

(B) The credit union has not been operating under a Net Worth Restoration Plan or Letter of Understanding and Agreement within the preceding twelve (12) months;

(C) The credit union has not been operating under an administrative order within the preceding twelve (12) months;

(D) The credit union has not experienced major and potentially adverse changes in its balance sheet structure within the preceding twelve (12) months;

(E) The credit union has maintained a positive return on average assets;

(F) The credit union has not implemented any new programs with high risk to its balance sheet within the preceding twelve (12) months;

(G) The credit union has a net worth ratio of greater than seven percent (7%);

(H) The credit union has implemented an adequate asset liability management mechanism;

(I) The credit union has a history of maintaining accurate and current books and records;

(J) The tenure and quality of the credit union's management;

(K) General economic conditions.

AUTHORITY: section 370.120, RSMo Supp. 2002. Original rule filed Aug. 29, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Credit Unions, John P. Smith, Director, PO Box 1607, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education Chapter 800—[Teacher Certification and Professional Conduct and Investigations] Educator Licensure

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The State Board of Education is proposing to amend subsections (1)(A), (1)(C), (1)(D) and Appendix A.

PURPOSE: This amendment updates certification requirements in the Compendium of Missouri Certification Requirements, makes new legislative changes for out-of-state teachers with five (5) years experience in the same teaching area and adds the exit assessment for a speech-language pathologist.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate. **An exemption exists if the applicant holds a valid certificate of license to teach from another state and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state. That applicant may obtain a Missouri certificate of license to teach upon completion of five (5) years teaching in Missouri public schools.**

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area assessments and the Principles of Learning and Teaching assessments developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. Qualifying scores are established by the board and published by ETS for each assessment designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must complete and achieve a Missouri qualifying score in the content knowledge or specialty area assessment in their major area of preparation or the appropriate principles of learning and teaching assessment if no content knowledge or specialty area assessment is designated, except in the areas of special education, student services, and administration (see Appendix A, which is included herein).

2. Applicants for a Missouri certificate of license to teach, having a valid certificate of license to teach in the same or a closely aligned area of certification from another state, having taken that state's required subject or specialty area assessment(s) for that certification and achieved that state's passing score(s), and having at least two (2) years of full-time professional experience in education in the area for which they are seeking Missouri certification, shall not be required to take the designated assessment(s) in Missouri in order to

receive the Missouri certificate of license to teach. If no subject or specialty area assessment is required in the state from which the applicant holds a valid certificate of license to teach, the applicant shall successfully complete the assessment(s) designated by the board in order to receive the Missouri certificate of license to teach.

3. Applicants holding a valid Missouri professional or life certificate of license to teach in a content area who are seeking additional certificate(s) of license to teach in other content areas, will receive the additional certificate(s) upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II content knowledge or specialty area assessment designated for the certificate of license to teach, except for the areas of unified science, special education other than mild/moderate cross-categorical disabilities, speech-language specialist, student services, administration, vocational-technical, and adult education and literacy; or

B. Successfully complete the applicable certification requirements as set forth in the *Compendium of Missouri Certification Requirements (compendium)*, which is incorporated by reference and made a part of this rule.

4. Applicants holding a valid Missouri professional or life certificate of license to teach in a secondary content area who are seeking additional certification for middle school in the same content area, will receive the additional certification upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II: Principles of Learning and Teaching, grades five through nine (5-9), assessment; or

B. Successfully complete the applicable certification requirements for middle school education, grades five through nine (5-9), as set forth in the *[Compendium of Missouri Certification Requirements, which is incorporated by reference and made a part of this rule] (compendium)*.

(C) The board has selected the School Leaders Licensure Assessment (SLLA) developed by ETS to assess the attainment of competencies required for the building-level administrator certificate of license to teach (see Appendix A, *which is incorporated by reference and made a part of this rule*). A minimum qualifying score for this assessment is established by the board.

(D) The board has selected the School Superintendent Assessment (SSA) developed by ETS to assess the attainment of competencies required for the district-level administrator certificate of license to teach (see Appendix A, *which is incorporated by reference and made a part of this rule*). A minimum qualifying score for this assessment is established by the board.

APPENDIX A
ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

Missouri Certificate of License to Teach	Test Code	Designated Assessment
Early Childhood Education, Birth–Grade 3	10020	Early Childhood Education
Early Childhood Special Education, Birth–Grade 3	10690	Special Education: Preschool/Early Childhood
Elementary Education, Grades 1–6	10011	Elementary Education: Curriculum, Instruction, and Assessment
Middle School Education, Grades 5–9	—	—
Language Arts	10049	MS English-Language Arts: Content Knowledge
Mathematics	20069	MS Mathematics: Content Knowledge
Science	10439	MS Science: Content Knowledge
Social Science	20089	MS Social Studies: Content Knowledge
Other Middle School Subject Areas	30523	Principles of Learning and Teaching, Grades 5–9
Secondary Education, Grades 9–12 (except as noted)	—	—
Agriculture	10700	Agriculture
Art K–12, 9–12	10133	Art: Content Knowledge
Business Education	10100	Business Education
English	10041	English Language, Literature and Composition: Content Knowledge
Family and Consumer Science ¹		
Vocational and Non-Vocational	10120	Family and Consumer Sciences
Foreign Language:		
French K–12	20173	French: Content Knowledge
German K–12	20181	German: Content Knowledge
Spanish K–12	10191	Spanish: Content Knowledge
Health K–12, 9–12	20550	Health Education
Industrial Technology	10050	Technology Education
Library Media Specialist K–12	10310	Library Media Specialist
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	Mathematics: Content Knowledge
Music (Instrumental, Vocal) K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	20235	Biology: Content Knowledge, Part I
Chemistry	20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
General Science	10435	General Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
Special Education K–12		
Mild-Moderate Cross-Categorical Disabilities ²	20353 and 10542	Education of Exceptional Students: Core Content Knowledge Education of Exceptional Students: Mild to Moderate Disabilities
Special Education K–12 ³	10350	Special Education
Mild-Moderate Disabilities (except cross-categorical), Blind/Partially Sighted, Hearing Impaired, Severely Developmentally Disabled		
Speech/ <i>Theater</i> / Theatre	10220	Speech Communication
Speech and Language Specialist K–12 ⁵	20330	Speech-Language Pathology
Speech and Language Pathologist K–12: ⁵	20330	Speech-Language Pathology
Unified Science: ⁴	—	—
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge
Physics	10265	Physics: Content Knowledge
K–12 or 9–12 teaching certification for which no specialty area assessment or content knowledge assessment is designated.	30524	Principles of Learning and Teaching, Grades 7–12
School Counselor K–8, 7–12 ⁵	20420	School Guidance and Counseling
School Psychologist K–12 ⁵	10400	School Psychologist

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
Building-Level Administrator ⁵ Principal K-8, 9-12 Special Education Administrator K-12 Vocational School Director	11010	School Leaders Licensure Assessment (SLLA)
District-Level Administrator (Superintendent) K-12 ⁵	11020	School Superintendent Assessment (SSA)

- ¹. Additional certification by completion of the designated assessment only is limited to Non-Vocational.
- ². Additional certification by completion of the designated assessments only is limited to Mild-Moderate Cross-Categorical Disabilities.
- ³. Additional certification by completion of the designated assessment only is not applicable in these categories of special education.
- ⁴. Not available by completion of the designated assessment only; also requires completion of a program of study for the unified science core with the area of specialization from a state-approved institution.
- ⁵. Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

AUTHORITY: sections 168.011, 168.021, 168.405 and 168.409, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed March 1, 2002, effective Sept. 30, 2002. Amended: Filed Aug. 13, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric
and Substance Abuse Programs**

PROPOSED AMENDMENT

9 CSR 10-7.110 Personnel. The department proposes to add new section (5).

PURPOSE: This amendment establishes requirements for practicum and intern students who wish to provide certain services funded by the department.

(5) **Practicum/Intern Students.** A practicum/intern student if used in a Department of Mental Health (DMH) program must be enrolled and participating in an accredited college/university in a field of study including but not limited to social work, psychology, sociology or nursing.

(A) The student and agency must have a written plan documenting the following:

1. Name of individual, educational institution, and degree program;
2. Brief description of the status of the individual with respect to degree completion, including: semester/hours remaining, projected completion date, and time period of the practicum or internship;
3. A description of the specific job status of the individual with respect to agency program and client population;
4. A specific plan for supervision of the student, including name and title of the direct supervisor. The plan must detail the frequency and duration of the supervision activities including the scope of case/record reviews, the location of the supervisor with respect to the service delivery locations, and emergency back-up supervision arrangements; and
5. A list of the specific Purchase of Service (POS) services the agency has approved for the student to deliver. Students may not deliver Medicaid-eligible services unless they meet the provider eligibility requirements through prior experience and education.

(B) The student must have a letter from their academic advisor attesting to their qualifications and eligibility for the proposed practicum.

(C) The student must be under the close supervision of the direct clinical supervising professional of the agency. The person providing the supervision must be qualified to provide the services they are supervising.

1. For providing counseling services a student must be in a master's program or above, and be approved for the practicum by the college/university.

2. To provide case management and community support work, and other support services, a student must be in the final year of a bachelor's program or above.

3. A student may be assigned a limited caseload based on background and prior experience.

(D) A student must be background screened, oriented and trained as consistent with the agency's policies for new employees.

(E) Service delivery by the student must be documented according to department standards and policy.

1. All documentation of billable services must be reviewed and countersigned by an individual who meets the division criteria for a qualified mental health professional or supervisor of counselors, a community support worker, or case manager, as appropriate.

2. Services shall be billed using appropriate existing service codes and reimbursed at the established contract rate for the anticipated degree, unless a distinct student rate has been established for the service.

(F) For Division of Alcohol and Drug Abuse funded contracts, the services are limited to individual counseling, group counseling, group education and community support work.

AUTHORITY: sections 630.050 and 630.055, RSMo 2000. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 28, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered comments must be in writing and must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

PROPOSED RULE

9 CSR 30-4.195 Access Crisis Intervention Programs

PURPOSE: This rule sets forth standards and regulations for Access Crisis Intervention Programs.

- (1) The Access Crisis Intervention (ACI) program is designed to be provided by administrative agents with certified outpatient programs.
- (2) The terms defined in section 630.005, RSMo are used in this rule.
- (3) Unless the context clearly requires otherwise, the following terms as used in this rule shall mean—

(A) Access Crisis Intervention (ACI)—crisis intervention/referral services provided by telephone or face-to-face at the location of the crisis or at another location in the community;

(B) Administrative agent—an agency and its approved designee(s) authorized by the Division of Comprehensive Psychiatric Services (CPS) as an entry and exit point into state mental health service delivery system for a geographic service area defined by the division;

(C) Alcohol and drug detoxification services—services providing detoxification which is the process of withdrawing a person from alcohol, other drugs or both in a safe, humane, and effective manner;

(D) Community outreach/education plan—a plan outlining how families, consumers, consumer advocates, state agencies, law enforcement and others in the community will become familiar with the local Access Crisis Intervention System;

(E) Community Psychiatric Rehabilitation Program—a specialized program that provides or arranges for, at a minimum, the following core services: intake and annual evaluations, crisis intervention and resolution, medication services, physician consultation services, medication administration, community support and psychosocial rehabilitation in a nonresidential setting for individuals with serious mental illness in conjunction with standards set forth in 9 CSR 30-4.031-9 CSR 30-4.047;

(F) Community support—as defined in 9 CSR 30-4.043(2)(F)-(G);

(G) Consumer—a person who receives mental health services or ACI services, regardless of source of payment. Parents and/or legal custodians/guardians of children and youth are primary consumers if they are actively engaged in the treatment planning and/or delivering services and supports for the child or youth. A secondary consumer is an individual who is concerned and involved in supporting and treating primary consumers. This category includes family members and significant others involved in the treatment and support processes; sponsors for persons who engage in substance abuse; children of parents who have mental illness or substance abuse issues; and persons who advocate for vulnerable populations;

(H) Consumer advocate—individuals who will assist consumers with treatment planning, care issues and the complaint/grievance and resolution process;

(I) Consumer satisfaction—a measure of the degree to which an individual, who is receiving or has received ACI services from the department, perceives the services to be successfully addressing, or to have successfully addressed their individual needs for professional services;

(J) Division—the Division of Comprehensive Psychiatric Services;

(K) Internal agency protocol—a specific method indicating how the agency plans to respond to guidelines set forth by the department;

(L) Mental health coordinator—as defined in 632.005(10), RSMo;

(M) Mental health professionals—as defined in 9 CSR 30-4.030(2)(HH);

(N) Mobile crisis response—specialized staff available to assess and intervene face-to-face with consumers where the crisis is occurring or another secure location in the community;

(O) Risk assessment—the process of assessing dangerousness to self or others;

(P) Residential crisis services—a service used for persons who are at high risk for hospitalization or who are being diverted from hospitalization and can include specific crisis stabilization units, group homes, residential, apartments, motels/hotels, and foster home type settings;

(Q) Specialized program—programs operated by an agency that provide specific services to designated eligible consumers enrolled in that program;

(R) Telephone Hotline Services (24)-Hour—a published, centralized, twenty-four (24)-hour staffed toll-free telephone number to provide direct means of crisis assessment and triage for consumers in crisis, their families, and agencies needing assistance.

(4) Consumer Records.

(A) Consumers receiving only telephone hotline or mobile outreach through the ACI program do not require a treatment plan, however, for current clients of the department or those who are in the process of being admitted to a mental health program, there shall be evidence of coordination between the ACI staff and the treating staff.

(B) At a minimum, those programs funded for ACI must keep the following records for telephone hotline services when possible to obtain from caller:

1. Date and time of telephone call;
2. Current status of the caller;
3. Identity of caller, including but not limited to, parent, client, law enforcement, judge, hospital, emergency room, mental health professional;
4. Name, address, telephone number, and date of birth;
5. Presenting problem;
6. Disposition and follow-up.

(C) ACI programs must have a method for retaining hotline data in compliance with 9 CSR 10-7.030.

(D) When a call is received regarding another person, the identified consumer for the purpose of intervention must be the person calling, as well as, the person being called about. For data collection, the identified consumer is the person being called about.

(E) At a minimum, those agencies providing ACI services must keep the following records for mobile outreach services when the individual agrees to provide identifying information:

1. Date and time of referral;
2. Date, time and place of face-to-face contact;
3. Person accompanying mobile worker;
4. Person in attendance at face-to-face contact;
5. Name, address, telephone number, date of birth;
6. Presenting problem;
7. Disposition and follow-up.

(F) The agency must document when the consumer does not provide identifying information.

(G) Agencies providing ACI services must submit to the department, reports and documentation as prescribed by the department according to the department's standardized form.

1. The following form is included herein: MO 650-8679N (6-01).

(H) Agencies providing ACI services must meet the confidentiality requirements as defined in 9 CSR 10-7.030.

(5) Treatment.

(A) Each administrative agent must provide or arrange for the delivery of ACI services.

(B) Consumers receiving only telephone hotline or mobile outreach through the ACI program do not require a treatment plan, however, for current clients of the department or those who are in the process of being admitted to a mental health program, there should be evidence of coordination between the ACI staff and the treating staff.

(C) ACI programs must operate a twenty-four (24)-hour telephone hotline. Each program shall have a written description of the telephone hotline system including the following:

1. Name of the agency or contractor that operates the hotline;
2. Numbers and qualifications of hotline staff;
3. Written documentation that clinical supervision is provided including but not limited to: meeting minutes, supervision logs, or peer review processes;
4. Written description of how the telephone hotline is staffed;
5. Written documentation of case reviews and quality assurance activities relating to hotline services;
6. Written documentation of how telephone hotline services are provided to hard-of-hearing, deaf and persons who have a limited understanding of the English language;
7. Written description of ongoing hotline outreach activities;
8. Written description of a process for identifying and utilizing community resources in the delivery of telephone hotline services.

(D) Each administrative agent must have a designated agency staff person on call to the ACI system twenty-four (24) hours per day and seven (7) days per week.

(E) If the consumer, consumer advocate, or family member requests to speak with an individual from a specialized program, including but not limited to, the Community Psychiatric Rehabilitation Program (CPRC) community support worker and, the ACI clinical staff have determined that this action is clinically necessary, the ACI hotline staff shall contact the appropriate designated agency staff person.

(F) The ACI hotline staff shall remain in contact with the caller until a successful hand-off contact between caller and designated agency staff person has occurred.

(G) Once this contact has occurred, the designated agency staff person shall respond to the caller and/or secure the appropriate requested specialized program personnel involved.

(H) The designated agency staff person shall remain in contact with the caller until a successful hand-off or contact between specialized program personnel and caller has occurred.

(I) Each administrative agent must have a written internal agency protocol in place for how the designated agency staff person will be able to contact staff from specialized programs that require twenty-four (24) hour, seven (7) day per week crisis intervention as a component of their service menu.

(J) If ACI staff does not follow the procedure listed in (I) and (J) of this section, there must be a written protocol for contacting the ACI supervisor and the specialized program supervisor within twenty-four (24) hours to review the immediate action taken and then reviewed for a quality assurance process within forty-eight (48) hours.

(K) ACI programs must have a written description for resource and referral to the following services:

1. Acute hospitalization;
2. Medical services;
3. Alcohol and drug detoxification services;
4. Priority outpatient scheduling within twenty-four (24) hours or the next working day;
5. Children and youth services;
6. Psychiatric availability;
7. Civil involuntary detentions when initiated by the mental health coordinators.

(L) ACI programs must operate a twenty-four (24)-hour mobile response system. Each program shall have a written description of the mobile response system including the following:

1. Name of the agency or contractor that operates the hotline;
2. Written description of how mobile crisis response teams are staffed twenty-four (24) hours per day, seven (7) days per week;
3. Numbers and qualifications of staff;
4. Written documentation that clinical supervision is provided including but not limited to: meeting minutes, supervision logs, or peer review processes;
5. Written documentation of case reviews and quality assurance activities relating to mobile response services;
6. Written documentation of how mobile response services respond to hard-of-hearing, deaf and persons who have a limited understanding of the English language.

(M) ACI programs shall provide mobile response to known and unknown consumers twenty-four (24) hours per day and seven (7) days per week at the location of the crisis or to another secure community location.

(N) Mobile response shall not be provided exclusively in emergency rooms, jails or mental health facilities.

(O) When a call is referred to mobile response, a phone only response is appropriate if both staff and the person calling are satisfied that the crisis is resolved.

(P) Each agency providing ACI services must have safety mechanisms in place for mobile response. These may include but are not limited to:

1. Mobile phones;
2. Risk assessments both for phone and continually during contact;
3. Availability of multiple staff to respond for face-to-face contact;
4. Back-up available by pager;
5. Extensive training;
6. Written protocols for mobile response to be delivered in safe locations when necessary.

(Q) In crisis situations in which law enforcement need to be contacted by the ACI staff, the ACI staff must make the initial contact and remain involved until the crisis is resolved, either by phone or with the mobile response team.

(R) If the caller is not satisfied, the grievance procedure must be followed as defined in 9 CSR 10-7.020(7)(A)-(C).

(6) Quality Assurance.

(A) Each agency providing ACI services must develop a community outreach/education plan that includes details of how the following groups will become familiar with the ACI system:

1. Families;
2. Consumers;
3. Consumer advocates;
4. State agencies including the Division of Family Services, Division of Senior Services and Division of Youth Services;
5. Law enforcement agencies;
6. 911 personnel;
7. Schools;
8. Juvenile courts;
9. Emergency medical services personnel;
10. Residential care facilities;
11. Homeless shelters and/or providers;
12. Public housing;
13. General public.

(B) The community outreach/education plan must include the various action steps that will be taken in educating the community as to how to access the ACI system through written material and other means of communication.

(C) The community outreach/education plan must indicate how the components will be accomplished on an ongoing basis.

(D) Agencies providing ACI services must, at least annually, demonstrate community awareness.

(E) The telephone number for ACI must be published in a local telephone book.

(F) If the level of crisis services provided by an agency is significantly below the state average, or other established benchmarks, this circumstance must be addressed in the Quality Assurance Plan.

(G) Programs providing ACI services must conduct the Consumer Satisfaction ACI Interview Survey as prescribed by the department.

(7) Personnel and Staff Development.

(A) Staff providing telephone hotline services must have a bachelor's degree with three (3) years of behavioral health and crisis intervention experience or a master's degree with one (1) year of behavioral health and crisis intervention experience.

1. Staff providing telephone hotline services must be supervised by a qualified mental health professional as defined in 9 CSR 30-4.030.

2. Staff providing telephone hotline services must have immediate access to a qualified mental health professional.

(B) For mobile response, the mobile crisis team shall have at least one (1) qualified mental health professional to provide face-to-face crisis intervention for each mobile response.

(C) Each administrative agent shall designate a coordinator for ACI services who must be a qualified mental health professional as defined in 9 CSR 30-4.030.

(D) The agency shall have written documentation that clinical supervision is provided on a scheduled basis including but not limited to: meeting minutes, supervision logs, or peer review processes.

(E) Administrative agents shall have a designated staff person on call to the ACI system twenty-four (24) hours per day seven (7) days per week for specialized programs. This designated staff person shall have received training and have experience in responding to crisis situations with individuals and families.

(F) Each region or provider must have an ACI Training Plan. The training plan shall include consumers, families and consumer advocates in the development and implementation of the plan.

(G) Staff providing ACI services shall complete the designated ACI training required by the department, at least annually, that includes but is not limited to the following core competencies as defined by the department:

1. Crisis intervention strategies and techniques;
2. ACI and legal issues;
3. Safety;
4. ACI responsiveness to consumers;
5. Other competencies as required by the department.

(H) ACI staff shall have a working familiarity with the core competencies prior to providing crisis intervention services.

(I) New ACI staff shall be trained and document the demonstration of the core competencies within the first six (6) months of employment.

(J) The administrative agent shall describe how the core competencies will be incorporated into the ACI staff training program on an ongoing basis.

(K) Each agency shall provide a written plan of how it will measure the competencies of the ACI staff. The plan must include at least two (2) measurable outcomes including but not limited to:

1. Review of case documentation;
2. Review of assessment forms for appropriate interventions;
3. Question, answer and observation by supervisory staff and peers;
4. Consumer satisfaction and clinical outcomes.

(L) New ACI staff must receive clinical supervision and must shadow the supervisor or experienced crisis workers for a minimum of two (2) weeks prior to providing crisis services.

(M) 9 CSR 10-7.110 requires that all staff participate in at least thirty-six (36) clock hours of relevant training during a two (2)-year period. All staff working within the ACI program and services shall receive a minimum of twelve (12) clock hours per year of continuing education and relevant training.

(N) All training activities shall be documented in employee personnel files, to include the training topic, name of instructor, date of activity, duration, skills targeted/objective of skill, certification/continuing education units (if any) and location.

(8) Fiscal Management. The agency will provide financial information to the department or any of its divisions upon request, relating but not limited to, program administration and services provided through any programs, services or activity using funds provided by the department.



STATE OF MISSOURI
DEPARTMENT OF MENTAL HEALTH
DIVISION OF COMPREHENSIVE PSYCHIATRIC SERVICES
ACCESS CRISIS INTERVENTION (ACI) QUARTERLY REPORT

AGENCY	QUARTER REPORTED (CHECK ONE) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 DATE
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PART 1: CRISIS HOTLINE

	HOTLINE	ADM. AGENT
Total Crisis Calls (Total number of calls received (all that apply) for whom a case is opened, a contact sheet completed or mental health services delivered.)		
Number of Persons Calling (Total number of identified persons (list only once) for whom a case is opened, a contact sheet completed, or mental health services delivered.)		
DMH (Currently Active) Clients		

DEMOGRAPHIC INFORMATION ON CALLERS

AGE	HOTLINE (# PERSONS)			ADM. AGENT (# PERSONS)		
	MALE	FEMALE	UNKNOWN	MALE	FEMALE	UNKNOWN
0 - 12						
13 - 17						
18 - 40						
41 - 64						
65+						
Unknown						
Total						
	Total Hotline <small>(Should equal Total Crisis Calls for Hotline)</small>			Total Adm. Agent <small>(Should equal Total Crisis Calls for Adm. Agt.)</small>		

	HOTLINE	ADM. AGENT
Consumer/Self		
Family Member		
Mental Health Worker		
Law Enforcement		
Jail/Corrections/Detention		
Div. of Youth Services/Juvenile Court		
Div. of Family Services		
Div. of Aging		
Medical Facility or Professional		
Mental Health Coordinator		
Alcohol and Drug Staff		
School		

WHO CALLED (CONTINUED)	HOTLINE	ADM. AGENT
Homeless Shelter/Services		
Significant Other		
Friend		
Neighbor		
Other		
Total (Total should equal Total Crisis Calls)		
PROBLEMS NOTED BY CALLER (SEE INSTRUCTIONS ON REVERSE SIDE OF THIS FORM)	HOTLINE	ADM. AGENT
Currently suicidal		
Harm or threats of harm to self (other than suicidal)		
Harm or threats of harm to others		
Inability to meet basic needs		
Acute Psychiatric crisis		
Domestic violence		
Childhood/adolescent problems		
Information/Referral		
Substance abuse		
Housing		
Non-acute mental health needs		
Access to and/or problems with psychiatric medications		
Other		
Total (Total is calculated by summing data from individual contact sheets that document all problems noted by caller. Total should be greater than Total Calls Received.)		
OUTCOME OF CALL (NOT ALL CALLS ARE IN THIS SECTION)	HOTLINE	ADM. AGENT
No further contact planned		
Referred to Mobile Crisis		
Scheduled same/next day appointment for CPS Services		
Scheduled same/next day appointment for ADA Services		
Referred to other community agency		
Referred/Admitted to psychiatric inpatient hospital/unit		
Referred to 911/law enforcement/juvenile officer		
Referred/Admitted to a residential crisis program		

		HOTLINE	ADM. AGENT			
Referred/Admitted to 23 hour observation bed						
Referred to Mental Health Coordinator						
Referred to medical facility for medical reasons						
Referred to emergency substance abuse treatment (non-medical detox)						
Non-emergency: Referral to DMH CPS services						
Non-emergency: Referral to DMH ADA services						
Non-emergency: Referral to DMH MR-DD services						
Total (Total is calculated by summing data from individual contact sheets that document all outcomes resulting from a crisis call. Total will be greater than Total Calls Received.)						
PART II: MOBILE CRISIS RESPONSE						
<input type="checkbox"/> This agency's mobile team responds to CPRC clients at all times.						
<input type="checkbox"/> This agency's mobile team responds to CPRC clients only after hours.						
<input type="checkbox"/> This agency's mobile team does not respond to CPRC clients at any time.						
DISPOSITION OF REFERRALS		REFERRALS FROM HOTLINE	ADM. AGENT			
Phone contact only						
Face-to-face contact						
Total Referrals (Total number of referrals for Mobile Crisis Assistance.)						
LOCATION OF REFERRAL CONTACT		HOTLINE	ADM. AGENT			
Directed to agency's office or clinic						
Agency Walk-ins						
In a client or caller's home						
Directed to Emergency Room/Medical Facility						
Emergency Room Walk-ins						
In a jail or juvenile detention facility						
In a School						
In the office of a social service agency						
Other						
Total (Totals should equal face-to-face contacts under Disposition of Referrals)						
Age	Hotline (# persons)			Adm. Agent (# persons)		
	Male	Female	Unknown	Male	Female	Unknown
0-12						
13-17						
18-40						
41-64						
65+						
Unknown						
Total (Total number of referrals for Mobile Crisis Assistance)						
RACE		HOTLINE (# PERSONS)	ADM. AGENT (# PERSONS)			
African American						
Caucasian						
Hispanic						
Asian						
Native American						

DEMOGRAPHIC INFORMATION ON MOBILE CRISIS REFERRALS (CONTINUED)		
RACE	HOTLINE (# PERSONS)	ADM. AGENT (# PERSONS)
Pacific Islander		
Unknown/Other		
Total (Total number of referrals for Mobile Crisis Assistance.)		
OUTCOME OF MOBILE CRISIS REFERRALS (Check one)	HOTLINE	ADM. AGENT
No further contact planned		
Scheduled same/next day appointment for CPS services		
Scheduled same/next day appointment for ADA services		
Referred to other community agency		
Referred/Admitted to psychiatric inpatient hospital/unit		
Referred to 911/law enforcement/juvenile officer		
Referred/Admitted to a residential crisis program		
Referred/Admitted to 23 hour observation bed		
Referred to Mental Health Coordinator		
Referred to medical facility for medical reasons		
Referred to emergency substance abuse treatment (non-medical detox)		
Non-emergency: Referral to DMH CPS services		
Non-emergency: Referral to DMH ADA services		
Non-emergency: Referral to DMH MR-DD services		
Total (Total is calculated by summing data from individual contact sheets that document all outcomes resulting from a mobile crisis referral. Total may be greater than total Mobile Crisis Referrals Received.)		
COMMENTS:		
<hr/> <hr/> <hr/> <hr/>		
Send Completed Report To: Omar Tejan Missouri Department of Mental Health Division of Comprehensive Psychiatric Services 1706 E. Elm Street, PO Box 687 Jefferson City, MO 65102 FAX: 573/751-7815 Email Address: mztejao@mail.dmh.state.mo.us		

**DIVISION OF COMPREHENSIVE PSYCHIATRIC SERVICES
ACCESS CRISIS INTERVENTION (ACI)
DATA REPORT INSTRUCTIONS**

PART I: CRISIS HOTLINE	
CRISIS CALL SUMMARY	INSTRUCTIONS
Total Crisis Calls	The number of calls received, in which a case is opened, a contact sheet is completed, or a mental health service is delivered. This includes informational calls about mental health services completed by hotline staff. Administrative Agents should report separately calls received directly to the agency, that are referred to ACI staff, or crisis calls needing immediate intervention, does not include contracted hotline calls. Do not include daytime informational calls, regular scheduling, or calls taken by CPR, TCM or Families First staff for their current clients.
Number of persons calling	This should reflect the number of individuals served this quarter. Each person would be counted 1 time, even if receiving multiple services.
DMH (currently active) clients; subset of total crisis calls (unduplicated)	How many of the individuals served were DMH clients. This is not necessarily the caller, but the person having the crisis.
DEMOGRAPHICS AND OTHERS OF CALLERS	INSTRUCTIONS
Age	Please indicate the number of callers for both hotline and administrative agent calls. These numbers should be indicated for both males and females in the appropriate age range.
Total	The total for demographics should equal the total number of crisis calls.
WHO CALLED	INSTRUCTIONS
Consumer/Self	Any person who is calling about themselves or a crisis situation that involves them.
Family Member	Any family member, i.e. parent, spouse, sibling, etc., that is calling about another family member
Mental Health Worker	Calls from individuals in the mental health field who use the hotline for professional reasons regarding a current or potential recipient of services, including calls from RCFs.
Law Enforcement	Any law enforcement entity such as highway patrol, sheriff, city police.
Jail/Corrections/Detention	County jail, state correctional institution (including halfway house), municipal jail.
Div. of Youth Services/ Juvenile Court	Juvenile judge, officer, or detention worker; juvenile court operated group home, and calls from Division of Youth Services.
Division of Family Services	Any Division of Family Services staff person
Division of Aging	Any Division of Aging staff person
Medical Facility or Professional	A hospital, emergency room, or outpatient clinic that provides general medical care. Include any medical professional (physician, nurse, etc.), who calls regarding a current or potential recipient of services.
Mental Health Coordinator	Referred to Mental Health Coordinator for investigation for involuntary detention.
Alcohol and Drug Staff	Calls from individuals working in a drug and alcohol program regarding a current or potential recipient of services.
School	Calls from elementary or secondary school personnel regarding a current or potential recipient of services.
Homeless Shelter/Services	Calls from homeless shelter or homeless support worker about a current or potential recipient of services.
Significant Other	A person with whom one shares a long-term relationship. An influential person in one's life.
Friend	A person who one knows, likes and trusts.
Neighbor	One who lives next to or near another.
Other	Any caller that does not fit into the above definitions.
ASSESSMENT RISK LEVEL LIST FROM SCREENING (if that apply)	INSTRUCTIONS
Currently suicidal	Assessment indicates current risk of suicide, based on self-report, report by others, significant history or other risk factors.
Harm or threats of harm to self (other than suicidal)	Individuals at risk or threatening harm to self other than suicide.
Harm or threats of harm to others	Assessment indicates risk of harm to others, person is threatening harm to others, or caller indicates risk of harm to others.
Inability to meet basic needs	Assessment indicates the person's inability to provide for minimal shelter, food, clothing, safety, etc.

PRESENTING PROBLEMS LIST PREVIOUS PROBLEMS (CONTINUED) (See last page)	INSTRUCTIONS
Acute psychiatric crisis	Assessment indicates the individual is experiencing active symptoms of a mental illness, i.e. psychosis, anxiety, etc.
Domestic violence	Threats or situations of harm inflicted upon one member of a household by another member. This could be child abuse, spousal abuse, adult or elderly abuse, sexual abuse, etc.
Childhood/adolescent problems	The call is about a person under the age of 18 who has difficulties such as running away, school problems, delinquency, etc.
Information/referral	The caller wants information on mental health issues or other assistance such as where to obtain services.
Substance abuse	Problem involves or is significantly impacted by alcohol or other drug abuse, addiction, or intoxication.
Housing	Problems involve housing crisis, i.e. eviction, complaints from landlord or neighbors, homelessness.
Non-acute mental health needs	Individuals that call for support, repeated callers that use the crisis line to "check-in" with someone, etc.
Access to and/or problems with psychiatric medications	Call involves problems with access to psychiatric medication, i.e. caller is out of meds and can't get in to see psychiatrist, off meds, side effects from medications, etc.
Other	Anything that does not fit in one of the above categories.
OUTCOME OF PHONE INTERVIEW CHECK ONE ONLY	INSTRUCTIONS
No further contact planned	Problem was resolved by phone contact without need for further assistance.
Referred to Mobile Crisis	Referred directly to mobile crisis.
Schedule same/next day appointment for CPS services	Hotline staff schedule same/next day appointment at Administrative Agent or contact mobile crisis staff to schedule same/next day appointment for CPS services.
Schedule same/next day appointment for Alcohol and Drug Abuse services	Hotline staff schedule same/next day appointment at an alcohol and drug abuse agency or contact mobile crisis staff to schedule same/next day appointment for ADA services.
Referred to other community agency	This refers to DFS, DOA, Salvation Army, homeless shelters, or other service agencies.
Referred/Admitted to psychiatric inpatient hospital/unit	Direct referrals for persons that need screening for psychiatric hospitalization.
Referred to 911/law enforcement/ juvenile officer	To be used when an imminent harm situation arises that requires immediate emergency response.
Referred/Admitted to residential crisis program	Refers to residential setting used for hospital diversion or respite care, including those in RCF's, free standing facilities, in-home care, etc.
Referred/Admitted to 23 hour observation bed	Refers to beds usually at an inpatient setting, where individual can receive short term oversight and assessment without actually being admitted to the hospital.
Referred to Mental Health Coordinator	Referral to Mental Health Coordinator for an investigation for involuntary detention.
Referred to medical facility for medical reasons	Direct referral of persons to a hospital because of their physical health needs (e.g. gunshot wound).
Referred to emergency substance abuse treatment (non-medical detox	Direct referral of persons for "immediate" drug and alcohol treatment services.
Non-emergency: Referral to DMH CPS services	Referral to DMH CPS Services; no emergency requiring more immediate psychiatric services exists.
Non-emergency: Referral to DMH ADA services	Referral to DMH ADA Services; no emergency requiring more immediate alcohol & drug abuse services exists.
Non-emergency: Referral to DMH MR-DD services	Referral to DMH MR-DD Services; no emergency requiring more immediate MR-DD services exists.
PART II: MOBILE CRISIS RESPONSE	
Phone contact only	Total number of referrals to mobile response that were resolved with phone contact only, including those referred to next day appointments and other supports.
Face-to-Face Contact	Total number of referrals to mobile crisis that received a face-to-face contact.
Total Referrals	This figure should equal the number of phone and face-to-face contacts combined; it should also equal the number of referrals to mobile crisis assistance.

LOCATION OF FACE-TO-FACE CONTACT	INSTRUCTIONS
Directed to agency's office or clinic	Person has been requested to travel to agency's office or clinic. Note that if an agency has staff located in an ER (this is considered their office) and the individual is requested to come to the ER, then this category should be marked.
Agency walk-in	Presenting at agency, with no prior notice. Note that if an agency has staff located in an ER (this is considered their office) and the individual presents at this location with no prior notice, then this category should be marked.
In client or caller's home	A place where the client or caller lives; their residence
Directed to emergency room or medical facility	Person has been requested to travel to emergency room or medical facility
Emergency room walk-in	Presenting in emergency room, with no prior notice.
In a jail or juvenile detention facility	A place for the confinement of individuals in lawful detention.
In a school	Include contacts at elementary and secondary schools.
In the office of a social service agency	Include DFS, local social service agency, Salvation Army, etc.
Other	Location other than those listed above.
Total	Totals should equal face-to-face contacts under disposition of referrals.
DEMOGRAPHIC INFORMATION ON MOBILE CRISIS REFERRALS	INSTRUCTIONS
Age	Please indicate the number of referrals for both hotline and administrative agent calls. These numbers should be indicated for both males and females in the appropriate age range.
Total	The total for demographics should equal the total number of mobile crisis referrals.
DEMOGRAPHIC INFORMATION ON MOBILE CRISIS REFERRALS	INSTRUCTIONS
Race	Please indicate the number of referrals for both hotline and administrative agent calls for the appropriate race category.
Total	The total for demographics should equal the total number of mobile crisis referrals.
OUTCOME OF MOBILE CRISIS REFERRALS (IF NOT APPLY)	INSTRUCTIONS
No further contact planned	Problem was resolved by phone contact without need for further assistance.
Schedule same/next day appointment for CPS services	Schedule same/next day appointment for CPS services.
Schedule same/next day appointment for ADA services	Schedule same/next day appointment for alcohol and drug abuse services.
Referred to other community agencies	This refers to DFS, DOA, Salvation Army, homeless shelters, or other service agencies.
Referred/Admitted to psychiatric inpatient hospital/unit	Direct referrals for person that needs screening for psychiatric inpatient hospital/unit.
Referred to 911/law enforcement/ juvenile officer	To be used when an imminent harm situation arises that requires immediate emergency response.
Referred/Admitted to residential crisis program	Refers to residential setting used for hospital diversion or respite care, including those in RCF's, free standing facilities, in-home care, etc.
Referred/Admitted to 23 hour observation bed	Refers to beds usually at an inpatient setting, where individual can receive short-term oversight and assessment without actually being admitted to the hospital.
Referred to Mental Health Coordinator	Referral to Mental Health Coordinator for an investigation for involuntary detention.
Referred to medical facility for medical reasons	Direct referrals of persons to a hospital because of their physical health needs (e.g. gunshot wound).
Referred to emergency substance abuse treatment (non-medical detox)	Direct referral of persons for "immediate" drug and alcohol treatment services.
Non-emergency; referral to DMH CPS services	Referral to DMH CPS services; no emergency requiring more immediate psychiatric services exists.
Non-emergency; referral to DMH ADA services	Referral to DMH ADA services; no emergency requiring more immediate alcohol & drug abuse services exists.
Non-emergency; referral to DMH MR-DD services	Referral to DMH MR-DD services; no emergency requiring more immediate MR-DD services exists.

Send Completed Report To: Omar Tejan, Missouri Department of Mental Health, Division of Comprehensive Psychiatric Services, 1706 E. Elm Street, P.O. Box 687, Jefferson City, MO 65102. Fax: 573/751-7815 Email: mztejao@mail.dmh.state.mo.us

AUTHORITY: sections 630.050 and 630.655, RSMo 2000. Original ruled filed Aug. 28, 2002.

PUBLIC COST: This proposed rule will cost the Department of Mental Health \$6,584,881 per year for a total of \$131,697,620 over the twenty (20)-year anticipated life of the rule. The Access Crisis Intervention program is currently funded through federal earnings dollars, which will be available for another two (2) years. At the time these funds are no longer available, the department will be requesting a general revenue pick-up to continue funding the program.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered comments must be in writing and must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Fiscal Note
Public Entity Cost**

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

Title: 9 - Department of Mental Health

Division: 30 Certificate Standards

Chapter: 4 – Mental Health Programs

Type of Rulemaking: New

Rule Number and Name: 9 CSR 30-4.195 Access Crisis Intervention Programs

II. SUMMARY OF FISCAL IMPACT (Present a summary of fiscal impact. Use a separate row for each public agency or political subdivision affected.)

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Mental Health	\$131,697,620

III. WORKSHEET (Present more detailed fiscal information.)

20 years at \$6,584,881 per year.

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.)

This places current practices and DMH expectations into a formal Rule. The DMH requires any provider holding Administrative Agent status to provide Access Crisis services. This program is an integral part of the Division of Psychiatric Services and it is assumed in this fiscal note that funding will continue for the program.

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

PROPOSED AMENDMENT

11 CSR 45-5.200 Progressive Slot Machines. The commission is adding subsection (1)(E) and amending subsection (12)(A).

PURPOSE: The commission proposes to amend this rule by adding an additional investment vehicle to fund future payments of progressive slot machine jackpots.

(1) As used in this rule—

(C) Progressive jackpot means a slot machine payoff that increases and over time solely as a function of coins played on a machine or group of machines; *[and]*

(D) Wide-area progressive means a system of slot machines that are linked across telecommunication lines as part of a network connecting separate excursion gambling boats licensed by the commission with an aggregate prize(s).; *and*

(E) “United States Government Agency Securities” means negotiable, senior, non-callable, debt obligations issued and guaranteed by a United States agency that on the date of funding, possesses an issuer credit rating equivalent to the highest investment grade rating given by Standard & Poor’s or Moody’s Investors Service.

(12) Unless the commission has approved the payment of prizes by installments, a licensee who has a progressive slot machine must maintain minimum cash reserves in accordance with 11 CSR 45-8.150. The commission must approve all such cash reserves. Notwithstanding the provisions of 11 CSR 45-5.240 Periodic Payments, to the contrary, the commission shall require that the licensee authorized to provide a wide-area progressive system—

(A) Maintain in a restricted account a reserve consisting of cash, United States Government Treasury Securities, United States Government Agency Securities and/or Missouri state debt instruments of not less than the sum of the following amounts:

1. The present value of the aggregate remaining balances owed on all jackpots previously won by patrons through the wide-area progressive system; and

2. An amount sufficient to fully fund the present value of all amounts currently reflected on the progressive meters of the wide-area progressive systems; and

AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2002.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m. on November 13, 2002, in the Missouri Gaming Commission’s Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RULE

12 CSR 10-23.454 Electric Personal Assistive Mobility Device (EPAMD)

PURPOSE: This rule gives the definition, titling and registration requirements of an Electric Personal Assistive Mobility Device (EPAMD) pursuant to section 307.205.1, RSMo.

(1) An Electric Personal Assistive Mobility Device (EPAMD) is a nontandem two-wheeled device with an electric propulsion system of one (1) horsepower with maximum speed of less than twenty (20) miles per hour. The device meets the definition of a motorized bicycle as defined in section 301.010(36), RSMo and is therefore exempt from titling and registration pursuant to Chapter 301, RSMo.

AUTHORITY: sections 301.010, 301.190, RSMo 2000 and 307.205, RSMo Supp. 2002. Original rule filed Aug. 23, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.020 Trial De Novo Procedures and Parties. The director proposes to amend sections (1), (2) and (3).

PURPOSE: This proposed amendment is deleting parts of the sections that repeat statutes and corrects an error that was in the department’s mailing address.

(1) *[Any person aggrieved by a decision of the department rendered at an administrative hearing pursuant to section 302.530, RSMo shall file an appeal for judicial review within fifteen (15) days after being notified by certified letter of the department’s decision or the decision shall be final.] Upon the filing of a petition for trial de novo, process shall be served personally or by certified mail upon the Director of Revenue, Harry S Truman State Office Building, Room 670, 301 West High Street, Jefferson City, MO 65105.*

(2) *[The appeal from the decision of the department shall be in the form of a petition for trial de novo. The petition shall be filed in the circuit court of the county where the arrest occurred. The trial de novo shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal of an administrative decision pursuant to Chapter 536, RSMo. Process shall be served personally upon the director of revenue, Harry S Truman State Office Building, Room 660, 301*

West High Street, Jefferson City, MO 65105.] The case shall be decided by the judge sitting without a jury.

(3) *[If the person files a timely petition for trial de novo under section 302.535.1., RSMo and if the person's driving record shows no prior alcohol-related enforcement contact during the immediately preceding five (5) years, the petitioner shall be issued a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment or formal program of secondary, postsecondary or higher education. The restricted driving privilege shall not be issued until the petitioner has completed the first thirty (30) days of a suspension.] A restricted driving privilege issued pursuant to section 302.535.2, RSMo shall not be issued until the petitioner for the trial de novo has completed the first thirty (30) days of the administrative suspension.*

AUTHORITY: sections: 302.525, [RSMo Supp. 1991,] 302.530, RSMo 2000 and 302.535, RSMo [1986] Supp. 2001. Original rule filed Feb. 3, 1984, effective May 11, 1984. Amended: Filed Aug. 14, 1984, effective Dec. 13, 1984. Amended: Filed Oct. 1, 1985, effective Dec. 26, 1985. Amended: Filed Nov. 12, 1991, effective March 9, 1992. Amended: Filed July 2, 1992, effective Feb. 26, 1993. Amended: Filed Aug. 23, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED AMENDMENT

12 CSR 10-26.010 Bona Fide Established Place of Business. The director proposes to amend subsection (1)(E).

PURPOSE: This amendment establishes that the dealer may use the name by which they are known by the public (fictitious) on signage advertising their business, as long as the fictitious name is registered with the secretary of state.

(1) In order to constitute a bona fide established place of business, hereinafter referred to as a "business location," for boat dealers, boat manufacturers, motor vehicle dealers, motor vehicle manufacturers, wholesale motor vehicle dealers, public motor vehicle auctions and wholesale motor vehicle auctions—

(E) *[The] A licensee must display an exterior sign, if applicable.*

1. A licensee except a wholesale motor vehicle dealer must display an exterior sign that shall be of a permanent nature, erected on the exterior of the structure or on the display area, constructed or painted and maintained to withstand reasonable weather conditions and the sign must be readable. The sign must [—]:

A. *[Identify the name of the licensee and class of the business conducted] Contain the name of the licensee. The name does not need to be identical to the name appearing on the licensee's license, so long as it is registered as a fictitious name*

with the secretary of state, is approved in writing by the line—make manufacturer, if applicable, and a copy of the fictitious name registration is provided to the department;

B. Have letters at least six inches (6") in height;

C. Be clearly visible to the public; and

D. Comply with local sign ordinances, if any.

2. A temporary sign may suffice during the period of time required to obtain a permanent sign provided the order for construction, purchase or painting has in fact been placed. A copy of the sign order must be submitted with the application along with a picture of the temporary sign.

3. A public motor vehicle auction licensee shall display, in a conspicuous manner, two (2) additional signs, each of which shall bear the following warning in letters at least six inches (6") high: "Attention Buyers: Vehicles sold at this auction may not have had a safety inspection." The dimensions of each sign shall be at least two feet by two feet (2' × 2'); and

AUTHORITY: sections 301.553, RSMo 2000 and 301.560, RSMo Supp. [1998] 2002. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED AMENDMENT

12 CSR 10-26.020 License Requirements for Auctions, Dealers and Manufacturers. The director proposes to add a new section (7) and renumber existing section.

PURPOSE: This amendment expands the need for out-of-state owners to obtain a current criminal record check pursuant to sections 301.550 to 301.562, RSMo.

(7) If any of the owners, partners, or principal officers (if a corporation) are residents of a state other than Missouri or another country, they must obtain a current criminal record check from their state highway patrol or corresponding law enforcement agency and submit that record check with new and renewal applications.

[(7)] (8) The applicant must submit appropriate fees as prescribed in 12 CSR 10-26.040.

AUTHORITY: sections 301.553, 301.559 and 301.560, RSMo [Supp. 1998] 2000. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED AMENDMENT

12 CSR 10-26.090 Regulation of Off-Premises Shows and Tent Sales. The director proposes to amend subsections (1)(D), (1)(F) and add a section (5).

PURPOSE: This amendment creates a new class of dealer as provided in House Bill 2008 passed in the 91st General Assembly, section 301.550.1.(II), RSMo.

(1) For purposes of this rule, dealers shall be divided into classes, as provided in section 301.550.3, RSMo, as follows:

(D) [Motorcycle dealer—A dealer of new or used motor vehicles operated on two (2) wheels, including motorcycles while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel, motortricycles or all terrain vehicles] Powersport dealer—A dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles and personal watercraft as those terms are defined in Chapters 301 and 306, RSMo;

(F) Used motor vehicle dealer—A dealer of used motor vehicles, provided that the majority of units sold are not motorcycles, motortricycles, personal watercraft or recreational motor vehicles. The term “used motor vehicle dealer” as used in section 301.550.3, RSMo is not synonymous with the term as used in section 301.550.1, RSMo. As used in this rule, the term is a narrower term that excludes dealers of historic motor vehicles, classic motor vehicles and wholesale motor vehicles; and

(5) Trailers and vessels, including personal watercraft, are excluded from the provisions of this rule.

AUTHORITY: sections 301.553 and 301.566, RSMo [Supp. 1998] 2000 and 301.550, RSMo Supp. 2002. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 50—Tickets and Prizes**

PROPOSED AMENDMENT

12 CSR 40-50.010 Tickets and Prizes. The Lottery is amending the Purpose and the text of the section.

PURPOSE: This amendment is to clarify the procedures of lost or stolen instant game ticket issues.

PURPOSE: This rule provides that licensees own instant game tickets after they are purchased and delivered to the licensee and the licensee shall bear the burden of any loss. The executive director may establish policies after consideration of circumstances to relieve the licensee of some or all of the burden of loss.

[All tickets for the instant games shall become the property of the retail licensee upon purchase from the lottery commission.] The licensee shall be responsible for all tickets [after their purchase and] upon delivery to the retailer and shall bear the burden of any loss, including theft, damage or loss. The executive director of the lottery may establish policies which, after consideration of the circumstances of the licensee’s loss, relieve the licensee of some or all of the burden of loss. The policies established by the executive director shall be made with the overall functionality of the lottery and the purpose of maximizing the funds available for appropriation to the public institutions of elementary, secondary and higher education as set forth in the Missouri Constitution, Article III, Section 39(b).

AUTHORITY: section 313.220, RSMo [1986] 2000. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed Aug. 28, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 80—General Rules—Instant Game**

PROPOSED AMENDMENT

12 CSR 40-80.080 Claim Period. The commission proposes to amend the Purpose and section (1) of this rule.

PURPOSE: The purpose of this amendment is to redefine the claim period for Lottery games.

PURPOSE: The purpose of this rule is to set the period in which [instant] prizes may be claimed.

(1) [All winning tickets for any instant game must be claimed within one (1) year of the announced end of that game. Any

prize not claimed within the period of one (1) year and in the manner specified on the back of the ticket and 12 CSR 40-60.030 shall be forfeited.] All winning tickets for any instant or pull-tab game must be claimed within one hundred eighty (180) days of the announced end of the game. All winning tickets for any on-line game must be claimed within one hundred eighty (180) days of the draw date for that game.

AUTHORITY: section 313.220, RSMo [1986] 2000. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed March 17, 1987, effective July 3, 1987. Amended: Filed Aug. 28, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers, and Investment Adviser Representatives

PROPOSED AMENDMENT

15 CSR 30-51.160 Effectiveness and Post-Effective Requirements. The commissioner of securities is proposing to amend section (1).

PURPOSE: This amendment corrects a typographical error.

(1) Pending Applications for Registration.

(A) Effective Date of Registration. If no denial order is in effect, and no proceeding under section 409.204, RSMo is pending, registration shall become effective no later than noon of the thirtieth day after the application is filed. The running of this thirty (30)-day period is suspended during the time a denial order is in effect or a proceeding under section 409.204, RSMo is pending. The running of the thirty (30)-day period shall resume when the denial order is vacated or the proceeding under section [409.402] **409.204**, RSMo is no longer pending.

AUTHORITY: sections 409.201 (b) and (d), 409.202 and 409.413(a), RSMo 2000 and 409.204, RSMo Supp. 2002. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be

considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities

PROPOSED RESCISSION

15 CSR 30-52.010 General Provisions. This rule prescribed the general provisions under the Act regarding registrations along with the forms and content of applications for registration and procedures for filing applications.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the general policies and meaning of terms under the Act for registrations. The commissioner of securities is also proposing to adopt a new rule at Missouri regulation 15 CSR 30-52.015 that more clearly prescribes the forms and other documents required with a registration statement of securities, as well as the notifications that need to be provided to the Securities Division.

AUTHORITY: sections 409.302(b), 409.303(b), 409.304(b) and 409.413(a), RSMo 1994. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities

PROPOSED RULE

15 CSR 30-52.010 General Provisions

PURPOSE: This rule prescribes general policies, and the meaning of terms under the Act and under Chapter 52 of the regulations.

(1) Securities may be registered by coordination, qualification or notification.

(2) The reference to a registration statement being on file for fifteen (15) days with the commissioner under section 409.303(c), RSMo shall mean fifteen (15) business days. The term "business days" would exclude weekends and holidays.

(3) For purposes of these rules contained in Chapter 52, an issuer in the promotional or development stage shall have the same meaning as the term "promotional or development stage company" that is defined in the North American Securities Administrators

Association, Inc. (NASAA) Statement of Policy Regarding Corporate Securities Definitions.

AUTHORITY: sections 409.302, 409.303, 409.304 and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.015 Applications for Registration

PURPOSE: This rule prescribes the forms and other documents required with a registration statement of securities, as well as the notifications that need to be provided to the Securities Division.

(1) Registration by Coordination and Qualification. A registration statement to register securities by coordination or qualification shall contain the following:

- (A) The form U-1 and accompanying documents;
- (B) Two (2) copies of the prospectus, including financial statements;
- (C) All exhibits filed with the Securities and Exchange Commission in connection with the registration statement;
- (D) The filing fee and registration fee specified in 15 CSR 30-50.030; and
- (E) Any additional information or documents requested by the Securities Division.

(2) Registration by Notification. A registration statement to register securities by notification shall contain the following:

- (A) The form SR-1 and accompanying documents;
- (B) Two (2) copies of the prospectus, including financial statements;
- (C) All exhibits filed with the Securities and Exchange Commission in connection with the registration statement, if applicable;
- (D) The filing fee and registration fee specified in 15 CSR 30-50.030; and
- (E) Any additional information or documents requested by the Securities Division.

(3) Warrants and the securities underlying the warrants shall each be registered separately.

(4) All applicants for registration shall immediately notify the Securities Division in writing of the following events:

- (A) Any change to the information in the registration statement;

(B) Any stop order, denial, order to show cause, suspension order, revocation order, consent order, cease and desist order, injunction, restraining order, or similar order entered or issued by any state, regulatory authority or court, regarding the applicant, registrant, issuer, their subsidiaries or affiliates; and

(C) Any request by the applicant, registrant or issuer to any other state or regulatory authority for permission to withdraw any application to register the securities covered by the registration statement.

AUTHORITY: sections 409.302(b), 409.303(b) and (c), 409.304(b), 409.305, 409.306 and 409.413(a) and (c), RSMo 2000. Original rule filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.020 Prospectus. This rule prescribed the preparation and use of a disclosure document in the offer or sale of registered securities.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the preparation and use of a disclosure document in the offer or sale of registered securities.

AUTHORITY: sections 409.101, 409.306(a)(2)(A) and 409.306(E)(i), and 409.413, RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Amended: Filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.020 Prospectus

PURPOSE: This rule prescribes the preparation and use of a disclosure document in the offer or sale of registered securities.

(1) Each registration statement shall include at least two (2) copies of the prospectus to be used in the proposed securities offering.

(2) Form and Content. The prospectus shall be prepared using the following forms and shall contain the information specified in the forms, together with any additional information the Securities Division may require—

(A) Registration by Coordination. The prospectus for a securities registration by coordination under section 409.303, RSMo shall be prepared using the forms required under the Securities Act of 1933.

(B) Registration by Qualification.

1. Other than small company offering registrations, the prospectus for a securities registration by qualification under section 409.304, RSMo shall be prepared using the following forms:

A. Part II of form 1-A of regulation A of the Securities Act of 1933 as in effect in March 1999 (See 15 CSR 30-52.041 for financial statement requirements); or

B. Parts I and II of form SB-2 of the Securities Act of 1933, as in effect in June 2000 (See 15 CSR 30-52.041 for financial statement requirements).

2. For small company offering registrations pursuant to 15 CSR 30-52.201, the prospectus to be used shall be form U-7, as adopted and revised by North American Securities Administrators Association, Inc. (NASAA) in September 1999.

3. Any other applicable form may be used to prepare a prospectus under the Securities Act of 1933, if approved by the Securities Division.

(3) Delivery of Prospectus. As a condition of registration, an applicant shall comply with the following:

(A) A person offering or selling a security under a registration by qualification, other than through a broker-dealer, shall deliver a copy of the final prospectus to each prospective purchaser no later than the date of execution of the subscription agreement. Each subscription agreement shall contain a statement by the purchaser that the purchaser has received a copy of the prospectus; and

(B) A person offering or selling a security under a registration by coordination shall deliver a copy of the prospectus as required by the Securities Act of 1933.

(4) Each prospectus must be typed and clearly legible.

AUTHORITY: sections 409.101, 409.303(b) and (c), 409.304(b) and (d), 409.305, 409.306 and 409.413, RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Aug. 30, 2002.

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

PRIVATE COST: This proposed rule will cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of

Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.025 Financial Statements

PURPOSE: This rule prescribes the general standards for financial statements to be used in a registration statement.

(1) All historical financial statements in the registration statement shall be in conformity with generally accepted accounting principles.

(2) Registration by Coordination. Financial statements filed with a registration statement by coordination shall comply with the requirements of the United States Securities and Exchange Commission.

(3) Registration by Qualification and Notification. The financial statements filed with a registration statement by qualification or notification shall consist of the following:

(A) Audited Balance Sheet. An audited balance sheet of the issuer within four (4) months prior to the filing of the registration statement;

(B) Audited Financial Statements. Audited financial statements of income, cash flows and changes in stockholders' equity for the last fiscal year (or such shorter period as the issuer has been in business);

(C) Reviewed Financial Statements. Reviewed financial statements for the two (2) fiscal years preceding the last fiscal year, unless audited financial statements are available for those periods. The financial statements shall include statements of income, cash flow and changes in stockholders' equity; and

(D) Reviewed Interim Financial Statements. Reviewed interim financial statements between the close of the last fiscal year and the date of the balance sheet. The interim financial statements shall include statements of income, cash flow and changes in stockholders' equity.

(4) Prospective financial statements may be used in connection with a registered offering if all of the following conditions exist:

(A) The prospective financial statements shall be financial forecasts that conform with guidelines established by the American Institute of Certified Public Accountants; and

(B) The financial forecasts shall be included in the prospectus.

(5) *Pro forma* financial information may be used in connection with a registered offering and not be subject to the conditions of subsection (4)(A) above if such *pro forma* financial information complies with 17 CFR 210.11-02.

AUTHORITY: sections 409.302(a) and (b), 409.303(b) and (d), 409.304(b), 409.305 and 409.413(c), RSMo 2000. Original rule filed Aug. 30, 2002.

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

PRIVATE COST: This proposed rule will cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri

Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.030 Standards. This rule prescribed general standards for the registration of securities.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the general standards for the registration of securities.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.030 NASAA Statements of Policy

PURPOSE: This rule promotes uniformity with other states and prescribes the guidelines to be applied to securities registrations in order to determine if the offering is fair, just and equitable.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The Securities Division will apply the applicable statement of policy adopted by North American Securities Administrators Association, Inc. (NASAA) when conducting a merit review to determine whether an offering is fair, just and equitable.

(A) The following statements of policy are hereby adopted by reference:

1. Corporate Securities Definitions, as amended by NASAA on September 28, 1999;
2. Loans and Other Material Affiliated Transactions, as amended by NASAA on November 18, 1997;
3. Options and Warrants, as amended by NASAA on September 28, 1999;
4. Preferred Stock, as amended by NASAA on April 27, 1997;
5. Promoter's Equity Investment, as adopted by NASAA on April 27, 1997;
6. Promotional Shares, as amended by NASAA on September 28, 1999;
7. Risk Disclosure Guidelines, as adopted by NASAA on September 9, 2001;
8. Specificity in Use of Proceeds, as amended by NASAA on September 28, 1999;
9. Underwriting Expenses, Underwriter's Warrants, Selling Expenses and Selling Security Holders, as adopted by NASAA on September 28, 1999;
10. Unsound Financial Condition, as adopted by NASAA on September 28, 1999;
11. Unequal Voting Rights, as adopted by NASAA on October 24, 1991;
12. Registration of Asset-Backed Securities, as adopted by NASAA on October 25, 1995;
13. Mortgage Program Guidelines, as adopted by NASAA on September 10, 1996;
14. Real Estate Programs, as amended by NASAA on September 29, 1993;
15. Real Estate Investment Trusts, as revised by NASAA on September 29, 1993;
16. Registration of Oil and Gas Programs, as amended by NASAA on October 24, 1991;
17. Equipment Programs, as amended by NASAA on October 24, 1991;
18. Commodity Pool Programs, as amended by NASAA on August 30, 1990;
19. Cattle-Feeding Programs, as adopted by NASAA on September 17, 1980; and
20. Omnibus Guidelines, as adopted by NASAA on March 29, 1992.

(B) The Omnibus Guidelines shall be applied to limited partnerships programs or other entities in which more specific statements of policy have not been adopted by NASAA.

(2) Cross-Reference Sheet. If requested by the Securities Division, a registration statement to register securities shall include a cross-reference table to indicate compliance with, or deviation from, the various sections of the applicable statement of policy.

(3) Suitability for Direct Participation Programs.

(A) In establishing standards of fairness and equity, the Securities Division has established the following investor suitability guidelines for direct participation programs registered under the Act:

1. A gross income of forty-five thousand dollars (\$45,000) and a net worth of forty-five thousand dollars (\$45,000) (exclusive of home, home furnishings and automobiles); or
2. A net worth of one hundred fifty thousand dollars (\$150,000) (exclusive of home, home furnishings and automobiles); and
3. No more than ten percent (10%) of any one (1) Missouri investor's liquid net worth shall be invested in the securities being registered with the Securities Division.

(B) The suitability standard in subsection (3)(A) is a guideline. Higher or lower suitability standards may be established or may be required by the Securities Division as a condition of registration.

(C) The suitability standards must be disclosed in the prospectus.

AUTHORITY: 409.304, 409.305, 409.306 and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.040 Selling Expenses and Selling Security Holders. This rule prescribed the standards of fairness for selling expenses and selling security holders.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.030 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Underwriting Expenses, Underwriters' Warrants, Selling Expenses and Selling Security Holders.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.050 Offering Price. This rule prescribed the requirements of the offering price to purchasers.

PURPOSE: The commissioner of securities is proposing to rescind this rule. The commissioner has determined that the current regula-

tion of the offering price does not provide added protection to purchasers.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
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PROPOSED RESCISSION

15 CSR 30-52.060 Options and Warrants. This rule prescribed the standards for determining when the amounts and kinds of options are reasonable.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.030 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Options and Warrants.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
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PROPOSED RESCISSION

15 CSR 30-52.070 Promotional Shares. This rule prescribed the standards concerning the sale of other securities, for other than cash or at a price different from the public offering price.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.030 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Promotional Shares.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
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PROPOSED RESCISSION

15 CSR 30-52.080 Promoters' Investment. This rule prescribed the amounts required and the procedures for ensuring promoters' investment participation.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.030 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Promoter's Equity Investment.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.100 Impoundment. This rule prescribed the procedures for impounding proceeds that were obtained from the sale of registered securities.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly describes the procedure for impounding proceeds and promotes uniformity with other states by adopting the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding the Impoundment of Proceeds.

AUTHORITY: sections 409.305(f) and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.100 Impoundment of Proceeds

PURPOSE: This rule promotes uniformity with other states and prescribes procedures for impounding proceeds that are obtained from the sale of registered securities.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The Securities Division hereby adopts by reference the North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding the Impoundment of Proceeds, as amended by NASAA on September 28, 1999.

(2) The Securities Division will apply the NASAA Statement of Policy Regarding the Impoundment of Proceeds when conducting its merit review to determine whether an offering is fair, just and equitable.

(3) As a condition of registration, the minimum amount of proceeds needed to implement the business plan shall be impounded when:

(A) The registration is sought by a promotional or developmental stage company that is financing an initial or proposed business;

(B) The registration is sought by a company in poor financial condition; or

(C) The offering is not firmly underwritten.

(4) The applicant shall set a minimum amount of proceeds that is reasonably sufficient to implement the business plan so as to accomplish the purpose of the offering.

(5) The applicant shall use the Missouri form SR-4, Impoundment of Funds Agreement, as the agreement for the impoundment of proceeds, unless the Securities Division permits another similar form to be used.

AUTHORITY: 409.305(f), 409.306 and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities

PROPOSED RESCISSION

15 CSR 30-52.110 Voting Rights. This rule prescribed the standards concerning unequal voting rights among classes of holders of equity securities.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.030 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Unequal Voting Rights.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Amended: Filed Oct. 16, 1986, effective Feb. 12, 1987. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of

Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities

PROPOSED RESCISSION

15 CSR 30-52.120 Preferred Stock and Debt Securities. This rule prescribed the standards of fairness in connection with the registration of preferred stock and debt securities.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at 15 CSR 30-52.030 and 15 CSR 30-52.120 that more clearly prescribes the standards for registering preferred stock and debt securities and that promotes uniformity with other states by adopting the most recent North American Securities Administrators Association, Inc. (NASAA) Statements of Policy Regarding Preferred Stock and Debt Securities.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities

PROPOSED RULE

15 CSR 30-52.120 Debt Securities

PURPOSE: This rule promotes uniformity with other states and prescribes standards to be used in connection with the registration of debt securities.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The Securities Division will apply the North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Debt Securities when conducting a merit review of debt offerings to determine whether an offering is fair, just and equitable.

(2) The Securities Division hereby adopts by reference the NASAA Statement of Policy Regarding Debt Securities, as adopted by NASAA on April 25, 1993.

(3) Development Stage Issuers. The issuance of debt securities by an issuer in the promotional or development stage with no substantial net earnings from normal business operations during each of its last three (3) fiscal years will be viewed by the division as being unfair, unjust and inequitable.

(4) Suitability.

(A) In establishing standards of fairness and equity, the Securities Division has established the following investor suitability guidelines for debt offerings registered under the Act:

1. A gross income of forty-five thousand dollars (\$45,000) and a net worth of forty-five thousand dollars (\$45,000) (exclusive of home, home furnishings and automobiles); or

2. A net worth of one hundred fifty thousand dollars (\$150,000) (exclusive of home, home furnishings and automobiles); and

3. No more than ten percent (10%) of any one (1) Missouri investor's liquid net worth shall be invested in the securities being registered with the Securities Division.

(B) The suitability standard in subsection (4)(A) is a guideline. Higher or lower suitability standards may be established or may be required by the Securities Division as a condition of registration.

(C) The suitability standards must be disclosed in the prospectus.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 2000. Original rule filed May 21, 1969, effective Aug. 1, 1969. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.130 Loans and Other Material-Affiliated Transactions. This rule prescribed the standards of fairness for loans and material-affiliated transactions.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.030 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Loans and Other Material Affiliated Transactions.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded and readopted: Filed Jan. 3, 1990, effective March 11, 1990. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.140 Periodic Payment Plans. This rule prescribed registration requirements for periodic payment plans.

PURPOSE: The commissioner of securities is proposing to rescind this rule as these securities are no longer registered under the Act.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Amended: Filed April 14, 1992, effective Jan. 15, 1993. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
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PROPOSED RESCISSION

15 CSR 30-52.150 Real Estate Investment Trusts or Other Unincorporated Real Estate Trusts. This rule adopted the North American Securities Administrators Association, Inc. (NASAA) Guidelines for the Registration of Real Estate Investment Trusts.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.030 that promotes uniformity with other states and adopts the most recent NASAA Statement of Policy Regarding Real Estate Investment Trusts.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded and readopted: Filed Aug. 1, 1984, effective Nov. 11, 1984. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
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PROPOSED RESCISSION

15 CSR 30-52.160 Redeemable Securities Issued by Open-End Management Companies. This rule prescribed the standard for the registration of redeemable securities issued by open-end management companies (mutual funds).

PURPOSE: The commissioner of securities is proposing to rescind this rule as these securities are no longer registered under the Act.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Amended: Filed Dec. 19, 1975, effective Dec. 31, 1975. Amended: Filed Aug. 1, 1984, effective Nov. 11, 1984. Amended: Filed Sept. 14, 1993, effective May 9, 1994. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.180 Limited Partnerships. This rule prescribed the standards for the registration of certificates of interest or participation in limited partnerships.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.030 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statements of Policy regarding limited partnership programs.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed July 21, 1972, effective Aug. 1, 1972. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.190 Foreign Real Estate Securities. This rule prescribed the standards for the registration of installment or deferred payment sale contracts covering land located outside of Missouri.

PURPOSE: The commissioner of securities is proposing to rescind this rule and, if necessary, allow issuers to register these securities under the procedure described in Missouri regulation 15 CSR 30-52.015.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Amended: Filed July 3, 1989, effective Sept. 28, 1989. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be

considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.200 Contingent Civil Liability. This rule required, as a prerequisite to securities registration, that rescission be offered to all investors having a cause of action against the applicant or issuer.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes when an offer of refund needs to be made prior to securities registration.

AUTHORITY: sections 409.411 and 409.413(a), RSMo 1986. Original rule filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.200 Offer of Refund Prior to Registration

PURPOSE: This rule requires, as a prerequisite to securities registration, that rescission be offered to all investors having a cause of action against the applicant or issuer.

An offer of refund (rescission) to each person having a cause of action against the applicant or the issuer, within the meaning of section 409.411 of the Act, shall be a prerequisite to the registration of securities. A suggested form of offer of refund (rescission) is located at 15 CSR 30-52.260.

AUTHORITY: sections 409.306, 409.411 and 409.413(a), RSMo 2000. Original rule filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.210 Securities Issued by Closed-End Investment Companies. This rule prescribed the standard for the registration of securities issued by closed-end investment companies.

PURPOSE: The commissioner of securities is proposing to rescind this rule for these securities are no longer registered under the Act.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 31, 1975. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.230 Sample Form of Security Escrow Agreement. This rule contained an escrow agreement form that was to be used when the Securities Division required that the securities be placed in escrow.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.030 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Promotional Shares.

AUTHORITY: sections 409.306 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities

PROPOSED RESCISSION

15 CSR 30-52.250 Impoundment of Proceeds. This rule prescribed the standards to be applied when the Securities Division required the impoundment of offering proceeds.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.100 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Impoundment of Proceeds.

AUTHORITY: sections 409.305 and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities

PROPOSED RESCISSION

15 CSR 30-52.260 Suggested Form of Offer of Refund (Rescission). This rule described a simplified form of rescission offer to be provided to investors.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the form of rescission offer to be provided to investors.

AUTHORITY: sections 409.411 and 409.413(a), RSMo 1986. Original rule filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded and re-adopted: Filed Aug. 1, 1984, effective Nov. 11, 1984. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities

PROPOSED RULE

15 CSR 30-52.260 Suggested Form of Offer of Refund (Rescission)

PURPOSE: This rule suggests a simplified form of rescission offer to be provided to investors.

(1) The sample rescission letter contained in this regulation is based upon a violation of section 409.301, RSMo but may be adapted for any other violations of the Act.

(2) The Securities Division suggests the following letter be used to offer rescission:

Certified/Return Receipt Requested

Dear Investor:

This letter is to inform you of your rights under the Missouri Uniform Securities Act, Chapter 409, RSMo 2000 (the "Act"). The (describe securities) that you were sold constitute "securities" under the Act.

Section 409.301, RSMo 2000, requires that any security offered or sold in Missouri must be registered, exempt from registration or a federal covered security. The securities that you purchased were not registered, exempt or federal covered securities. (Include herein any other statutory violation, along with an explanation of the violation).

Section 409.411, RSMo 2000, provides that any person who sells a security in violation of section 409.101 to 409.419, RSMo is liable to the purchaser for the amount of the consideration paid for the security, together with interest of eight percent (8%) per year from the date of purchase, costs and reasonable attorney fees, less the amount of any income received on the security.

This letter is to inform you of these rights and to offer to rescind your securities purchase. Attached is a statement as to whether or not you wish to take advantage of this offer. Please fill out the attached form and return it to this office within thirty (30) days of your receipt of this notice. If you wish to take advantage of the rescission, the amount you originally invested plus eight percent (8%) interest, less any income you received, will be returned to you within ten (10) business days of the receipt of your rescission request. If you do not respond to this offer within thirty (30) days of the date you receive it, your right to rescind your purchase will be extinguished as provided in the Act.

(Name of Issuer)

(Signature)

(Printed Name of Signatory)

I have been informed of my right to rescission under the Missouri Uniform Securities Act by (name of firm offering rescission). I do/do not (circle one) wish to take advantage of this rescission offer.
(Investor's Signature)

AUTHORITY: sections 409.411 and 409.413(a), RSMo 2000. Original rule filed July 21, 1972, effective Aug. 1, 1972. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.271 Missouri Issuer Registration. This rule prescribed a simplified registration process for small offerings of securities.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule at Missouri regulation 15 CSR 30-52.275 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Small Company Offering Registrations.

AUTHORITY: section 409.413(a), RSMo 1986. Original rule filed April 14, 1992, effective Jan. 15, 1993. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.272 Suggested Form for Escrow Agreement for Missouri Issuer Registration. This rule prescribed a form for the

escrow of securities pursuant to 15 CSR 30-52.271 Missouri Issuer Registration.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule at Missouri regulation 15 CSR 30-52.275 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Small Company Offering Registrations.

AUTHORITY: section 409.413(a), RSMo 1986. Original rule filed April 14, 1992, effective Jan. 15, 1993. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.273 Suggested Form of Refund for Missouri Issuer Registration. This rule prescribed a form for the refund of securities placed in escrow pursuant to 15 CSR 30-52.271 Missouri Issuer Registration.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule at Missouri regulation 15 CSR 30-52.275 that promotes uniformity with other states and adopts the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Small Company Offering Registrations.

AUTHORITY: section 409.413(a), RSMo 1986. Original rule filed April 14, 1992, effective Jan. 15, 1993. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.275 Small Company Registrations. This rule prescribed the facilitation of capital formation for small business owners.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the procedure for facilitating capital formation for small business owners and promotes uniformity with other states by adopting the most recent North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Small Company Offering Registrations.

AUTHORITY: section 409.413(a), RSMo 1994. Original rule filed Nov. 1, 1996, effective June 30, 1997. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.275 Small Company Offering Registrations (formerly Missouri Issuer Registration)

PURPOSE: This rule promotes uniformity with other states and facilitates capital formation for small business owners.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The Securities Division hereby adopts by reference the North American Securities Administrators Association (NASAA) Statement of Policy Regarding Small Company Offering Registrations (SCOR), as adopted by NASAA on April 28, 1996.

(2) A registration statement to register securities under SCOR shall contain the following:

(A) The form U-1 and accompanying documents;

(B) Two (2) copies of the prospectus, including financial statements;

(C) Copies of any documents filed with the Securities and Exchange Commission in connection with the registration statement;

(D) The filing fee and registration fee specified in 15 CSR 30-50.030; and

(E) Any additional information or documents requested by the Securities Division.

(3) Financial Statements. The financial statements for SCOR offerings over one (1) million dollars shall comply with 15 CSR 30-52.025. The financial statements for SCOR offerings up to one (1) million dollars shall also comply with 15 CSR 30-52.025, but only need to be reviewed.

(4) The Securities Division may apply any rule contained in Chapter 52 to SCOR offerings.

AUTHORITY: section 409.304, 409.305, 409.306, and 409.413, RSMo 2000. Original rule filed Nov. 1, 1996, effective June 30, 1997. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.280 Withdrawal or Termination. This rule prescribed the policies and procedures for withdrawing a registration statement prior to effectiveness.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the policies and procedures for withdrawing a registration statement prior to effectiveness.

AUTHORITY: sections 409.305(h) and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed March 21, 1974, effective April 1, 1974. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of

Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.280 Withdrawal of a Registration Statement

PURPOSE: This rule prescribes policies and procedures for withdrawing a registration statement prior to effectiveness.

(1) The withdrawal of an application (prior to effectiveness) may be issued by the commissioner upon the request of the applicant.

(2) The abandonment of an application, where there has been no activity on the application by the applicant for a period of six (6) months or more, may be considered to signify a request for withdrawal.

AUTHORITY: sections 409.305(h) and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.290 Effectiveness. This rule prescribed the policies and procedures in determining the effectiveness of the registration of securities.

PURPOSE: The commissioner of securities is proposing to rescind this rule. Statutes under the Act currently provide the substance of this rule.

AUTHORITY: sections 409.302(c), 409.303(c), 409.304(c), 409.305(h) and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.300 Amendments. This rule prescribed the policies and procedures for amending a registration statement.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly describes the policies and procedures for amending a registration statement.

AUTHORITY: sections 409.305(g), (i) and (j) and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.300 Post-Effective Amendments and Notices to a Registration Statement

PURPOSE: This rule prescribes policies and procedures for amending a registration statement.

(1) During the effective period of a registration statement, except as mentioned in section (2) below, the registrant shall notify the Securities Division within fifteen (15) business days of the following:

(A) Any change to any of the documents contained in the registration statement on file with the Securities Division.

(B) Any inaccurate, incorrect, or misleading statements contained in the registration statement.

(C) Any material change relating to the issuer, offering or registration statement that includes, but is not limited to, the following:

1. Change in issuer's address;
2. Change in issuer's law firm or accounting firm;
3. Change in risk factors;
4. Change in the use of proceeds;
5. Change in the underwriting or plan of distribution;
6. Change in management or control or transactions with management;
7. Change in ownership of principal properties;
8. Acquisition, revaluation or disposition of principal assets;
9. Legal proceedings, other than in the ordinary course of business;
10. Defaults upon senior or subordinate securities;
11. Release of securities or funds from escrow or impoundment, or modification of escrow arrangements;
12. Issuance, purchase or exercise of options;
13. Increase or decrease in authorized securities;
14. Change in stock transfer agent;
15. Change in securities, amount offered, offering price, par value, stock dividends or splits, rights of shareholders or matters of vote by security holders; and
16. Change in financial condition or financial statements, including financial forecasts.

(D) Any stop order, denial, order to show cause, suspension order, revocation order, consent order, cease and desist order, injunction, restraining order, or similar order entered or issued by any state, regulatory authority or court, regarding the applicant, registrant, issuer, their subsidiaries or affiliates.

(E) Any request by the registrant or issuer to any other state or regulatory authority for permission to withdraw any application to register the securities covered by the registration statement or of any termination by the issuer of the offering in any state where the securities are registered.

(F) Any other information requested by the Securities Division in connection with the offering or the registration statement.

(2) For registrations by coordination, the registrant shall promptly forward to the commissioner all amendments and supplements to the registration statement within one (1) business day after these documents are filed with the Securities and Exchange Commission.

(3) Enclosed with each amendment shall be a written cover letter that describes the material changes to the registration statement. Additionally, the amended prospectus shall be redlined or marked to reflect the changes.

AUTHORITY: sections 409.303(b)(3) and (4), 409.304, 409.305, 409.306 and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.310 Completion. This rule prescribed the notice to be provided to the Securities Division upon the completion of an offering in Missouri.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the notice to be provided to the Securities Division upon the completion of an offering in Missouri.

AUTHORITY: sections 409.305(g) and (i) and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.310 Report of Completion of a Registration Statement

PURPOSE: This rule prescribes the notice to be provided to the Securities Division upon the completion of an offering in Missouri.

(1) Within fifteen (15) business days of the completion of an offering in Missouri, the registrant shall provide a written statement to the Securities Division that states the following:

- (A) The date the offering was completed in Missouri; and
- (B) The number and amount of registered securities sold in Missouri.

(2) The written statement needs to be signed by an officer or director of the issuer.

AUTHORITY: sections 409.305(i) and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.320 Reports. This rule prescribed the annual report to be provided to the Securities Division during the effective period of a registration statement.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the annual report to be provided to the Securities Division during the effective period of a registration statement.

AUTHORITY: sections 409.305(g) and (i) and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed March 21, 1974, effective Nov. 25, 1974. Amended: Filed Oct. 15, 1987, effective Jan. 29, 1988. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.320 Annual Report for the Renewal of a Registration Statement

PURPOSE: This rule requires that an annual report be provided to the Securities Division during the effective period of a registration statement.

(1) During the effective period of a registration statement, the registrant shall annually file with the Securities Division a completed form SR-2 at least thirty (30) days before the anniversary of the effective date of the registration statement.

(2) The registrant shall include a filing fee of one hundred dollars (\$100).

AUTHORITY: sections 409.305(b), (h) and (i) and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.330 Records to be Preserved by Issuers in Issuer Distributions. This rule prescribed the records to be preserved by issuers who effect sales of registered securities other than through broker-dealers.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the records to be preserved by issuers who effect sales of registered securities.

AUTHORITY: sections 409.305(g) and (i) and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RULE

15 CSR 30-52.330 Records to be Preserved by Issuers

PURPOSE: This rule prescribes the records to be preserved by issuers who effect sales of registered securities other than through broker-dealers.

(1) All issuers who effect sales of registered securities, other than through a broker-dealer, shall preserve the following records for at least three (3) years following the expiration of the registration:

(A) Copies of all documents contained in the registration statement;

(B) Copies of all advertisements, including a record of the dates, names and addresses of media carrying those advertisements;

(C) Copies of all communications received and sent by the issuer pertaining to the offer, sale and transfer of the securities, including purchase agreements and confirmations; and

(D) A list of the name, address and telephone number of each investor to whom the securities were sold, and for each such person, information regarding—

1. The type of securities sold;
2. The number and amount of securities sold;
3. The type of consideration paid; and
4. The name of the agent that sold the securities.

(2) An issuer will need to retain the records set forth in section (1) for each investor at least three (3) years after the investor's investment has terminated, even if more than three (3) years has lapsed since the expiration of the registration.

(3) Records may be stored in paper form or electronically.

AUTHORITY: sections 409.305(g) and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED AMENDMENT

15 CSR 30-52.340 Mortgage Revenue Bonds. The commissioner of securities is amending section (2) and adding a new section (3).

PURPOSE: This proposed amendment includes the reference and correct citations to the proposed rules and renames the form used pursuant to this regulation.

PURPOSE: This rule specifies the securities registration requirements created by sections 108.450–108.470, RSMo which require certain mortgage revenue bonds to comply with Chapter 409, RSMo. It details the information which issuers must submit and limits the method to registration by qualification. It also provides a new form

[as the registration instrument which will be considered by this office] to be used for this type of registration.

(2) An issuer must submit [F]form SR-5[O], Application for Registration of Single Family Mortgage Revenue Bonds, which is hereby adopted and approved for filing with the Securities [d]Division (see [F]form SR-5[O]).

(3) An issuer filing a registration application under this regulation will not need to comply with Missouri regulations 15 CSR 30-52.015 through 15 CSR 30-52.120.

AUTHORITY: sections 409.304 and 409.413, RSMo [1986] 2000. Emergency rule filed Aug. 8, 1980, effective Aug. 18, 1980, expired Dec. 26, 1980. Original rule filed Sept. 11, 1980, effective Dec. 11, 1980. Amended: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

PROPOSED RESCISSION

15 CSR 30-52.350 Seasoned Issuer Registration by Filing. This rule adopted a policy that the securities of issuers whose financial condition meets certain minimum standards and whose equity securities meet standards designed to demonstrate the presence of a public market will be reviewed by the commissioner of securities for only full disclosure.

PURPOSE: The commissioner of securities is proposing to rescind this rule and, if necessary, allow issuers to register these securities under the procedure described in Missouri regulation 15 CSR 30-52.015.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed June 2, 1986, effective Oct. 27, 1986. Rescinded: Filed Aug. 30, 2002.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.