

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 symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

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

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

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

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

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

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

**PROPOSED AMENDMENT**

**3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders.** The commission is amending sections (1)–(10) and adding new sections (3) and (16).

*PURPOSE: This amendment changes the requirements for cervids entering the state of Missouri to protect Missouri livestock and wildlife from the importation of diseases that potentially pose a threat to the public health, safety and welfare.*

(1) Class I and Class II wildlife as defined in 3 CSR 10-9.230 and 3 CSR 10-9.240, may be exhibited, propagated, reared or held in captivity by the holder of the appropriate Class I or Class II wildlife breeder permit at a specific location indicated on the permit.

(2) A permit may be granted after satisfactory evidence by the applicant that stock will be secured from a legal source other than the wild stock of this state **and as provided in section (3) of this rule**; that the applicant will confine the wildlife in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220; and that the applicant will prevent other wildlife of the state from becoming a part of the enterprise.

**(3) Any cervid entering a Class I wildlife breeder operation that has ever been held in a state or province having a documented chronic wasting disease case shall be required to come from a herd comprised of animals that have been certified, through a United States Department of Agriculture approved or state-sponsored program, to be chronic wasting disease free for a minimum of three (3) years. Proof of such certification and all permits issued by the state veterinarian's office allowing cervids to enter Missouri must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time.**

(4) The wildlife may be used, sold, given away, transported or shipped; provided, that state- and federally-designated endangered species may not be sold without the written approval of the director; that skunks may not be imported, bought, sold, transported, given away or otherwise disposed of; that live raccoons, foxes and coyotes may not be imported; and that wildlife may be sold or given away only to the holder of the appropriate permit, where required, except as provided in section *[(3)]* **(8)** of this rule.

(5) Cities, towns and counties may establish ordinances further restricting or prohibiting ownership of Class II wildlife, with approval of the department. In instances where prohibitions apply, no permit will be issued by the department.

(6) No Class I or Class II wildlife breeder permit is required for wildlife legally held by circuses, publicly-owned zoos or *bona fide* research facilities; however, those wildlife may not be held for personal use. Physical contact between humans and Class I and Class II wildlife in circuses must be restricted to the handlers, performers or other circus employees.

*[(2)]* **(7)** Any sale, shipment or gift of wildlife by a Class I or Class II wildlife breeder shall be accompanied by a written statement giving his/her permit number and showing the number of each species and the name and address of the recipient. No wildlife of any kind may be liberated unless specific permission has been granted on written application to the conservation agent in the district where the release is to be made.

*[(3)]* **(8)** Wildlife, except skunks, foxes, coyotes and raccoons may be shipped, transported or consigned to a wildlife breeder by non-residents without a Missouri wildlife breeder permit, but that wildlife shall be accompanied by appropriate permit or other proof of legality in the state of origin. Persons purchasing wildlife at consignment sales shall obtain a wildlife hobby or appropriate wildlife breeder permit prior to the purchase, except nonresidents may possess and transport purchased wildlife without permit for forty-eight (48) hours following close of the sale.

[(4)] (9) Notification of the date and place of any public sale of consigned wildlife shall be provided the conservation agent of the county in which the sale will be held not less than thirty (30) days prior to the sale.

[(5)] (10) The holder of a Class I or Class II wildlife breeder permit may exhibit wildlife at locations other than those listed on the permit.

[(6)] (11) None of these privileges shall extend to permitting the act of hunting for such stock except that big game mammals may be shot for purposes of herd management by the permit holder or his/her agents, but only by written authorization of the director.

[(7)] (12) No state permit shall be required of individuals holding migratory waterfowl under valid federal authorization.

[(8)] (13) No state permit shall be required for the propagation, sale or display of birds of prey by persons holding a valid federal permit; provided, that these birds may be used to take or attempt to take wildlife only by persons holding a valid falconry permit.

[(9)] (14) The holder of a Class II wildlife breeder permit shall report escaped animals immediately to an agent of the department.

[(10)] (15) The holder of a Class I wildlife breeder permit may sell legally-acquired dressed or processed quail, pheasants, partridges and game birds eggs at retail and to commercial establishments under provisions of 3 CSR 10-10.743, provided all sales are accompanied by a valid invoice and the required records are maintained by the wildlife breeder.

**(16) Animal health standards and movement activities shall comply with all state and federal regulations.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. Amended: Filed March 11, 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 10-9.565 Licensed [Shooting Area] Hunting Preserve: Privileges.** The commission is amending section (1).

*PURPOSE: This amendment addresses current disease risks associated with the interstate transport of cervids that potentially pose*

*a threat to the public health, safety and welfare; clarifies permit privileges; and, establishes a tagging standard for harvested wildlife.*

(1) *[An agent of the department shall inspect each proposed licensed shooting area to determine that it meets all requirements of this rule before a permit is issued.]*

**Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations.** Any person holding a licensed *[shooting area] hunting preserve* permit may release on his/her licensed *[shooting area] hunting preserve* legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

(A) Game Bird *[Shooting Area] Hunting Preserve.*

1. The *[shooting area] hunting preserve* shall be a single body of land not less than one hundred sixty (160) acres nor more than six hundred forty (640) acres in size. *[Shooting areas] Hunting preserves* shall be posted with signs specified by the department. *[Shooting area] Hunting preserve* permits will not be issued for areas—

A. Within five (5) miles of any area where there is an ongoing department game bird release program or where the most recent release of department game birds has been made less than five (5) years prior to receipt of the application.

B. In any location where those activities are considered by the department as likely to further jeopardize any species currently designated by Missouri or federal regulations as threatened or endangered wildlife.

*[2. The permittee shall keep an accurate record of all game birds of each species acquired, propagated, sold, held, released, the number of each species taken on the area and the full name and address of the taker. These records shall be maintained on the premises of the licensed shooting area, subject to inspection by an authorized agent of the department at any reasonable time.]*

*[3.] 2.* The permittee shall attach to the leg of each game bird taken on the *[area] preserve* a leg band furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) bands.

*[4.] 3.* Any person taking or hunting game birds on a licensed *[shooting area] hunting preserve* shall have in his/her possession a valid hunting permit or licensed *[shooting area] hunting preserve* hunting permit, except that persons fifteen (15) years of age or younger, when accompanied by a properly licensed adult hunter, and residents sixty-five (65) years of age and older, may hunt without permit.

*[5.] 4.* Game birds taken on a licensed *[shooting area] hunting preserve* may be possessed and transported only when bearing the prescribed leg band. Game birds may be taken in any numbers on such areas.

*[6.] 5.* The permittee must release during the shooting season at least one (1) game bird per acre of *[shooting area] hunting preserve*, with at least one-half (1/2) of the birds to be bobwhite quail, if quail are to be hunted outside the statewide season. All birds shall be from a source approved by the department.

(B) Big Game *[Shooting Area] Hunting Preserve.*

1. The *[shooting area] hunting preserve* for ungulates shall be a single body of land not less than three hundred twenty (320) acres and **no more than three thousand two hundred (3,200) acres** in size, fenced so as to enclose and contain all released game and exclude all hoofed wildlife of the state from becoming a part of the enterprise and posted with signs specified by the department. **Fence height shall meet standards specified in 3 CSR 10-9.220.**

*[2. The permittee 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. These records shall be maintained on the premises of the licensed shooting area, subject to inspection by an authorized agent of the department at any reasonable time.]*

**2. Any cervid entering a big game hunting preserve operation that has ever been held in a state or province having a documented chronic wasting disease case shall be required to come from a herd comprised of animals that have been certified, through a United States Department of Agriculture approved or state-sponsored program, to be chronic wasting disease free for a minimum of three (3) years. Proof of such certification and all permits issued by the state veterinarian's office allowing cervids to enter Missouri must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time.**

**3. The permittee may exercise privileges provided in 3 CSR 10-9.353 for species held under the big game hunting preserve permit. Any breeding enclosure(s) contained within the big game hunting preserve shall meet standards specified in 3 CSR 10-9.220.**

[3.] **4. Any person taking or hunting ungulates on a [licensed shooting area] big game hunting preserve shall have in his/her possession a valid licensed [shooting area] hunting preserve hunting permit. [Big game taken on those areas may be possessed and transported only when accompanied by a bill of sale showing the date, licensed shooting area permit number and name and address of the taker.] The permittee shall attach to the leg of each ungulate taken on the preserve a locking leg seal furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) seals. Any packaged or processed meat shall be [stamped] labeled with the licensed [shooting area] hunting preserve permit number.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. Amended: Filed March 11, 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 10-9.566 Licensed Hunting Preserve: Records Required**

*PURPOSE: This rule requires that licensed hunting preserves maintain records on the premises that would include information*

*on species, purchase, sale, propagation, health certification, applicable permits and harvest, on a form furnished by the Department of Conservation.*

Licensed 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. 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, expires Sept. 16, 2002. Original rule filed March 11, 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 110—Missouri Dental Board  
Chapter 2—General Rules**

**PROPOSED RULE**

**4 CSR 110-2.131 Definition of a Public Health Setting**

*PURPOSE: The purpose of this rule is to implement section 332.311, RSMo as amended by HB567 of the 91st General Assembly and defines the public health settings in which a dental hygienist may practice without the supervision of a dentist.*

(1) For the purposes of section 332.311, RSMo only, the term "public health setting" shall be defined as a location where dental services authorized by section 332.311, RSMo are performed so long as the delivery of services are sponsored by a governmental health entity which includes:

- (A) Department of Health and Senior Services;
- (B) A county health department;
- (C) A city health department operating under a city charter;
- (D) A combined city/county health department; or
- (E) A nonprofit community health center qualified as exempt from federal taxation under section 501(c)(3) of the *Internal Revenue Code* including a community health center that receives funding authorized by sections 329, 330, and 340 of the United States Public Health Services Act.

*AUTHORITY: section 332.311.2, RSMo Supp. 2001. Emergency rule filed March 15, 2002, effective March 25, 2002, expires Sept. 20, 2002. Original rule filed March 15, 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 Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, 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 110—Missouri Dental Board  
Chapter 2—General Rules**

**PROPOSED RULE**

**4 CSR 110-2.132 Dental Hygienists—Equipment Requirements for Public Health Settings**

*PURPOSE: The purpose of this rule is to establish the minimum requirements for dental hygienists practicing in public health settings pursuant to section 332.311, RSMo.*

(1) Any location where dental services are rendered pursuant to section 332.311, RSMo and 4 CSR 110-2.131 must be equipped with the following:

- (A) Compressed air;
- (B) Focus lighting;
- (C) Vacuum;
- (D) Appropriate equipment to clean tooth surfaces and place sealants; and
- (E) Emergency response kit without oxygen.

(2) Occupational Safety and Health Administration (OSHA) and Centers for Disease Control and Prevention (CDC) guidelines must be complied with while rendering dental services pursuant to section 332.311, RSMo and 4 CSR 110-2.131.

*AUTHORITY: section 332.311.2, RSMo Supp. 2001. Original rule filed March 15, 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 Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, 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 50—Division of Instruction  
Chapter 340—Supervision of Instruction**

**PROPOSED RESCISSION**

**5 CSR 50-340.050 Policies and Standards for Summer School Programs.** This rule established policies and standards for public school districts which choose to conduct summer school programs that would have qualified for state aid in accordance with section 163.031, RSMo.

*PURPOSE: This rule is being rescinded and resubmitted as changes are being proposed in the fiscal note.*

*AUTHORITY: sections 161.092(2), 163.011, 163.021(2) and 163.031, RSMo 1994. Original rule filed May 14, 1971, effective May 24, 1971. Rescinded and readopted: Filed Nov. 15, 1977, effective Feb. 15, 1978. Amended: Filed Aug. 12, 1983, effective Dec. 12, 1983. Amended: Filed May 11, 1995, effective Dec. 30, 1995. Rescinded: Filed March 1, 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 Department of Elementary and Secondary Education, Attention: Gerri Ogle, Associate Commissioner, Division of Administrative and Financial Services, PO Box 480, 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 50—Division of School Improvement  
Chapter 340—Missouri School Improvement Program**

**PROPOSED RULE**

**5 CSR 50-340.050 Policies and Standards for Summer School Programs**

*PURPOSE: This rule establishes policies and standards for public school districts which choose to conduct summer school programs that will qualify for state aid in accordance with section 163.031, RSMo.*

(1) Summer school programs may be held any time between the close of the regular school term and the beginning of the next regular term and must be approved by the local school board. A summer school program shall consist of a planned schedule of course offerings for resident students at the elementary or high school level. An approved summer school program for nonhandicapped students must be in session for at least one hundred twenty (120) clock hours. Summer school programs for handicapped students must be in session for at least sixty (60) clock hours depending upon the hours needed to comply with the Individual Education Program (IEP).

(2) A school board may authorize the operation of summer school programs at the elementary or high school level, or both. Each approved summer school program shall have at least the required minimum clock hours of instruction. An elementary summer school program may include any combination of grades kindergarten through eight (K-8). A high school summer school program may include any combination of grades seven through twelve (7-12). Elementary and high school summer school programs may not be combined to meet the minimum clock-hour requirement. A

school district may operate one (1) or more summer school programs at any level. Each summer school program that is operated separately with different opening and closing dates must meet the minimum clock hours of instruction requirements.

(3) The curriculum in an approved summer school program at any level must include one (1) or more of the following academic areas as the major portion of the clock hours of instruction in the program: elementary school—language arts, mathematics, science, social studies; and high school—language arts, mathematics, science, social studies, practical arts.

(A) Any course which may be offered in the regular school term may be approved as part of the summer school program. Special approval must be requested for summer school courses that would require special approval during the regular term.

(B) The following are examples of courses which may be approved as part of the summer school program but must be in addition to, and not in place of, the academic areas: driver education, art, crafts, physical education and music.

(C) Activities such as gymnastics, weight lifting, tennis and swimming lessons conducted under the sponsorship of the school cannot be included as part of the approved summer school program unless they are an integral part of a comprehensive physical education course which is part of the scheduled clock hours of instruction in the approved summer school program.

(D) Activities such as recreation programs, athletic practices, isolated music rehearsals and isolated band practices may be offered by the school but shall not be included as part of the clock hours of instruction in an approved summer school program and shall not be counted for summer school membership and attendance for state aid purposes.

(4) The attendance of resident pupils between the ages of six and twenty (6-20) in grades one through twelve (1-12) and pupils five (5) years old attending kindergarten in approved summer school programs may be counted for summer school state aid purposes in accordance with state law.

(5) Effective with the 2002 summer school, individual school district's summer school average daily attendance (ADA) that does not exceed three percent (3%) of the ADA for the regular school term following the summer school shall be doubled for state aid purposes. The portion of a district's summer school ADA greater than three percent (3%) of the ADA for the regular school term following the summer school shall count once for state aid purposes.

(6) Some high school courses may be offered for credit and some courses for no credit in an approved summer school program. High school pupils may earn one-half (1/2) unit of high school credit for laboratory courses which meet at least seventy-five (75) clock hours and one-half (1/2) unit of high school credit for other courses which meet for sixty to seventy-five (60-75) clock hours. One-fourth (1/4) unit of high school credit may be granted for driver education classes which provide thirty (30) clock hours of classroom instruction, six (6) clock hours behind the wheel and twelve (12) clock hours as an observer in a driver education car. Minimum time requirements exclude any passing time, break time and lunch time.

(7) Summer school teachers shall have Missouri certification at the appropriate level in the area of service.

(8) Transportation for handicapped summer school pupils is reimbursable as pursuant to the State Board of Education's regulations.

(9) School food services for summer school pupils are not required but may be provided.

(10) Facilities and equipment used for summer school shall be of a quality equal to that used during the regular term.

(11) Textbooks, library resources and other instructional materials and aids shall be of a quality equal to that used during the regular term.

(12) State Board of Education's classification standards pertaining to class size are applicable to summer school programs.

(13) Department of Elementary and Secondary Education (DESE) staff will review applications for approval of summer school programs, consult with local school officials as needed and approve eligible summer school programs for state aid. Approved summer school programs will be visited and reviewed by DESE.

(14) Local school districts must keep individual pupil membership and attendance records for summer school programs. The summer school records shall be audited as required by law.

(15) Summer school program applications and reports shall be submitted in a form and at a time as may be required by the DESE.

*AUTHORITY: sections 161.092, 163.021 and 163.031, RSMo 2000 and 163.011, RSMo Supp. 2001. Original rule filed May 14, 1971, effective May 24, 1971. Rescinded and readopted: Filed Nov. 15, 1977, effective Feb. 15, 1978. Amended: Filed Aug. 12, 1983, effective Dec. 12, 1983. Amended: Filed May 11, 1995, effective Dec. 30, 1995. Rescinded and readopted: Filed March 1, 2002.*

*PUBLIC COST: This proposed rule is estimated to cost the Department of Elementary and Secondary Education \$56,717,990 for the Fiscal Year 2002, with that cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly.*

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Gerri Ogle, Associate Commissioner, Division of Administrative and Financial Services, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

**Title:** 5 – Department of Elementary and Secondary Education  
**Division:** 50 – Division of School Improvement  
**Chapter:** 340 – Missouri School Improvement Program  
**Type of Rulemaking:** Proposed Rule  
**Rule Number and Name:** 5 CSR 50-340.050 Policies and Standards for Summer School Programs

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Cost of Compliance in the Aggregate</b>
Department of Elementary and Secondary Education	\$56,717,990 for FY02. Cost recurring annually for the life of the rule based on yearly appropriations from the General Assembly.
Public Elementary and Secondary School Districts	School Districts have indicated that the state funding is equal to or greater than the cost of providing the summer school program.

**III. WORKSHEET**

The current public cost of this rule for the Department of Elementary and Secondary Education is estimated to be \$56,717,990 for Fiscal Year 2002, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly.

The summer school funding is distributed to public school districts through the foundation formula pursuant to state law who have a summer school program meeting the requirements of the State Board of Education regulations.

School Districts have indicated that the state funding is equal to or greater than the cost of providing the summer school program.

The Department of Elementary and Secondary Education administers the foundation formula in which districts are paid on the doubled summer school average daily attendance (ADA). This rule limits the portion of the summer school ADA that is doubled to 3% of the following regular term ADA. The 2000 summer school data yielded 18,584 ADA. The summer school ADA that exceeded 3% of the 2000-01 regular term ADA was approximately 3,290.

Estimated Cost of Summer School for ADA less than or equal to 3% of the regular term ADA:

$$(18,584 - 3,290) \times 2.75 \text{ minimum tax rate} \times 134,855/100 \text{ Guaranteed Tax Base (GTB)} = \$56,717,990$$

Previously the Department had limited the portion of the summer school ADA that is doubled to 5% of the regular term ADA. The estimated cost at 5% is:

$$(18,584 - 1,003) \times 2.75 \text{ minimum tax rate} \times 134,855/100 \text{ Guaranteed Tax Base (GTB)} = \$65,199,358$$

This rule limits the portion that is doubled to 3% of the following regular term ADA thereby saving the state approximately \$8,481,368.

#### IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Teacher Quality and Urban Education  
Chapter 800—Teacher Certification and Professional  
Conduct and Investigations**

**PROPOSED AMENDMENT**

**5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri.** The board proposes to amend subsection (1)(B) and Appendix A.

*PURPOSE: This amendment clarifies the appropriate exit assessments to be used with new areas of initial certification and the tests that the Educational Testing Service is replacing.*

(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.

(B) In addition to the previously described assessments, the board will accept successful completion of the National Board for Professional Teaching Standards (NBPTS) assessment as meeting the exit assessment requirement for Missouri. Therefore, applicants seeking a Missouri certificate of license to teach having certification granted by the NBPTS are not required to take the [designated Missouri] exit assessment **designated by the board** in the content area for which they hold NBPTS certification.



**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.

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
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 <sup>1</sup> <i>[(Vocational and Non-Vocational)]</i>	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: <i>[(Instrumental, Vocal)]</i> K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	<i>[20231]</i> <b>20235</b>	Biology: Content Knowledge <i>[, Part 1]</i>
Chemistry	<i>[20241]</i> <b>20245</b>	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
<b>General Science</b>	<b>10435</b>	<b>General Science: Content Knowledge</b>
Physics	<i>[10261]</i> <b>10265</b>	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
<i>[Spanish K–12]</i>	<i>[10191]</i>	<i>[Spanish: Content Knowledge]</i>
<b>Special Education K–12</b>		
<b>Mild-Moderate Cross-Categorical Disabilities<sup>2</sup></b>	<b>20353</b> <b>and</b> <b>10542</b>	<b>Education of Exceptional Students: Core Content Knowledge</b> <b>Education of Exceptional Students: Mild to Moderate Disabilities</b>
Special Education K–12 <sup>1/3</sup>	10350	Special Education
Mild-Moderate Disabilities ( <b>except cross-categorical</b> ), Blind/Partially Sighted, Hearing Impaired, Severely Developmentally Disabled		
Speech/Theater	10220	Speech Communication
Speech and Language Specialist K–12 <sup>3/5</sup>	20330	Speech-Language Pathology
Unified Science <sup>4/5</sup>	—	—
Biology	<i>[20231]</i> <b>20235</b>	Biology: Content Knowledge <i>[, Part 1]</i>
Chemistry	<i>[20241]</i> <b>20245</b>	Chemistry: Content Knowledge

Earth Science	20571	Earth Science: Content Knowledge
Physics	[10261] <b>10265</b>	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 <sup>[3/5]</sup>	20420	School Guidance and Counseling
<b>School Psychologist K-12<sup>5</sup></b>	<b>10400</b>	<b>School Psychologist</b>
Building-Level Administrator <sup>[3/5]</sup>	11010	School Leaders Licensure Assessment (SLLA)
Principal K-8, 9-12		
Special Education Administrator K-12		
Vocational School Director		
District-Level Administrator (Superintendent) K-12 <sup>[3/5]</sup>	11020	School Superintendent Assessment (SSA)

**1. Additional certification by completion of the designated assessment only is limited to Non-Vocational.**

[1.] **2.** Additional certification by completion of the designated assessments only is limited to Mild-Moderate [*Disabilities:*] Cross-Categorical **Disabilities**.

**3. Additional certification by completion of the designated assessment only is not applicable in these categories of special education.**

[2.] **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.

[3.] **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 161.092, 168.011, 168.021, 168.071, 168.081, 168.400, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed March 1, 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 is estimated to cost each applicant for certification an average of one hundred thirty-two dollars (\$132) for the Fiscal Year 2003, with that cost recurring annually over the life of the rule. The rule will cost all private entities one hundred seventy-three thousand, five hundred fifty dollars (\$173,550) for Fiscal Year 2003, with that cost recurring annually over the life of the rule, based on one thousand three hundred ten (1,310) individuals taking the Praxis II assessment for the designated certificates of license to teach. A fiscal note containing the estimated cost per individual has been filed with the secretary of state.*

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

**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

Title: Department of Elementary and Secondary Education

Division: Teacher Quality and Urban Education

Chapter: Teacher Certification

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the proposed amendment:	Classification by type of the entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the amendment by the affected entities:
Applicants for Certificate of License to Teach in Missouri = 1,310 per year	Applicants for Certification of License to Teach in Missouri	\$ 132 per person per year \$ 173,550 aggregate cost for Fiscal Year 2003, with that cost reoccurring annually over the life of the rule.

**III. WORKSHEET**

The estimates attend to the cost to applicants for taking the Praxis II assessments as a requirement for certification of license to teach in Missouri:

**ESTIMATED COSTS**

- Applicants for certification will incur costs for taking the Praxis II assessments required for certification.
- Costs include the price of the assessment itself and the registration fee charged by the testing company. The cost for each assessment varies according to the length and type of assessment.
- Based upon information provided by the department the following per year costs are estimated for applicants for certification in the following areas:

<b>Certification Area</b>	<b>No. of Applicants</b>	<b>Cost</b>	<b>Totals</b>
Biology, Grades 9-12	160 applicants	x \$ 105 =	\$ 16,800
Chemistry, Grades 9-12	60 applicants	x \$ 105 =	6,300
Physics, Grades 9-12	20 applicants	x \$ 105 =	2,100
General Science, Grades 9-12	150 applicants	x \$ 105 =	15,750
Special Education: MMCC, K-12	900 applicants	x \$ 145 =	130,500
School Psychologist, K-12	20 applicants	x \$ 105 =	2,100

**Total Cost = \$173,550/year\***

\*The total private entity annual cost is based upon the upper limit of the cost estimates of each component.

#### **IV. ASSUMPTIONS**

These costs may recur each year for the life of the rule and may vary slightly due to inflation.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 2—Air Quality Standards and Air Pollution**  
**Control Rules Specific to the Kansas City Metropolitan**  
**Area**

**PROPOSED RESCISSION**

**10 CSR 10-2.080 Emission of Visible Air Contaminants From Internal Combustion Engines.** This rule prohibited the emission of excessive visible air contaminants from an internal combustion engine. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

*PURPOSE:* The rescission of this rule is proposed because it is obsolete and superseded by the newer opacity rule, 10 CSR 10-6.220, that consolidated rule requirements for consistency. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a memorandum from the staff dated June 6, 2000 advising of an obsolete reference callout in this rule. This evidence is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

*AUTHORITY:* section 203.050, RSMo 1986. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Rescinded: Filed Feb. 28, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed rescission will begin at 9:00 a.m., May 30, 2002. The public hearing will be held at the Hannibal Inn & Conference Center, Becky Thatcher Room, 4141 Market Street, Hannibal, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 6, 2002. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 5—Air Quality Standards and Air Pollution**  
**Control Rules Specific to the St. Louis Metropolitan**  
**Area**

**PROPOSED RESCISSION**

**10 CSR 10-5.180 Emission of Visible Air Contaminants From Internal Combustion Engine.** This rule prohibited the emission of excessive visible air contaminants from an internal combustion engine. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

*PURPOSE:* The rescission of this rule is proposed because it is obsolete and superseded by the newer opacity rule, 10 CSR 10-6.220, that consolidated rule requirements for consistency. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a memorandum from the staff dated June 6, 2000 advising of an obsolete reference callout in a related rule. This evidence is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

*AUTHORITY:* section 643.050, RSMo 1994. Original rule filed March 14, 1967, effective March 24, 1967. Rescinded: Filed Feb. 28, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed rescission will begin at 9:00 a.m., May 30, 2002. The public hearing will be held at the Hannibal Inn & Conference Center, Becky Thatcher Room, 4141 Market Street, Hannibal, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 6, 2002. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

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

**PROPOSED AMENDMENT**

**10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants.** The commission proposes to delete subsection (1)(A) and renumber subsections (1)(B) through (1)(J). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan.

*PURPOSE:* This amendment removes references to obsolete rules. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a memorandum from the staff dated June 6, 2000 advising of an obsolete reference callout in a related rule. This evidence is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

(1) Applicability. This rule applies to all sources of visible emissions throughout the state of Missouri with the exception of the following:

[(A) Internal combustion engines except as provided in rules 10 CSR 10-2.080 and 10 CSR 10-5.180;]

- [(B)] (A) Wood burning stoves or fireplaces used for heating;
- [(C)] (B) Fires used for recreational or ceremonial purposes or fires used for the noncommercial preparation of food by barbecuing;
- [(D)] (C) Fires used solely for the purpose of fire-fighter training;
- [(E)] (D) Smoke generating devices when a required permit (under 10 CSR 10-6.060 or 10 CSR 10-6.065) has been issued or a written determination that a permit is not required has been obtained;
- [(F)] (E) The pyrolysis of wood for the production of charcoal in batch-type charcoal kilns (Emissions from batch-type charcoal kilns shall comply with the requirements of 10 CSR 10-6.330 Restriction of Emissions From Batch-Type Charcoal Emissions);
- [(G)] (F) Truck dumping of nonmetallic minerals into any screening operation, feed hopper or crusher;
- [(H)] (G) Emission sources regulated by 40 CFR part 60 and 10 CSR 10-6.070;
- [(I)] (H) Any open burning that is exempt from applicable open burning rules 10 CSR 10-2.100, 10 CSR 10-3.030, 10 CSR 10-4.090 and 10 CSR 10-5.070; and
- [(J)] (I) Incinerators used to burn refuse in the outstate area of Missouri.

*AUTHORITY: section 643.050, RSMo [Supp. 1998] 2000. Original rule filed March 31, 1999, effective Nov. 30, 1999. Amended: Filed Feb. 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., May 30, 2002. The public hearing will be held at the Hannibal Inn & Conference Center, Becky Thatcher Room, 4141 Market Street, Hannibal, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 6, 2002. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 30—Office of the Director  
Chapter 7—Driver and Vehicle Equipment Regulations**

**PROPOSED RULE**

**11 CSR 30-7.010 Motor Vehicle Window Tinting Permits**

*PURPOSE: This rule establishes procedures for the issuance of motor vehicle window tinting permits as authorized by section 307.173, RSMo.*

(1) An applicant, upon proper presentation of a prescription issued by his/her physician stating s/he has a serious medical condition requiring its use, may be issued a permit (SHP-524) to operate a motor vehicle with a front side wing vent or window that has a sun

screening device that has a light transmission of less than thirty-five percent (35%).

(2) Persons requiring such permit will:

(A) Obtain a prescription issued within one (1) year of application, from his/her physician indicating s/he has a serious medical condition that requires vehicle window tinting with less than thirty-five percent (35%) light transmission applied to the front side vent(s) or window(s);

(B) Present the prescription and the vehicle for which the permit is to be issued to the Missouri State Highway Patrol, Motor Vehicle Inspection Division;

(C) If a permit for more than one (1) vehicle is requested, only one (1) prescription is required. All vehicles must be presented.

(3) The certifying officer or motor vehicle inspector will:

(A) Verify the physician's prescription for authenticity;

(B) Complete an SHP-524 form in triplicate, utilizing the vehicle presented to fill in the applicable blanks on the form;

(C) Affix the sticker to the inside of the windshield, on the lower left side, slightly above where the inspection sticker should be affixed. Affix the decal to the outside of the lower left corner of the rear glass or left corner of the rear bumper, at the vehicle owner's option;

(D) Provide the applicant with the appropriate copy of the form and instruct him/her to maintain the copy in the vehicle at all times.

(4) The window tinting permit will remain valid during the current ownership of the vehicle. To obtain a replacement permit, the procedures outlined in sections (2) and (3) will be followed.

(5) Window tinting permits issued prior to August 28, 2001, which allowed a vehicle to be operated with vision reducing material in excess of thirty-five percent (35%) applied to the windshield, front side vents and front side windows pursuant to a physician's prescription are considered to be valid for the propose of this rule.

*AUTHORITY: section 307.173, RSMo [1994] Supp. 2002. Original rule filed Sept. 8, 1987, effective Dec. 12, 1987. For intervening history, please consult the Code of State Regulations. Emergency rule filed Feb. 20, 2002, effective March 4, 2002, expires Aug. 30, 2002. Readopted: Filed Feb. 20, 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 Public Safety, Attention: Charles R. Jackson, Director, PO Box 749, Jefferson City, MO 65102-0749. 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 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.070 Payout Percentage for Electronic Gaming Devices.** The commission is amending section (1).

*PURPOSE:* This amendment establishes the time and location at which Class A licensees are required to display the actual aggregate payout percentage for electronic gaming devices.

(1) A holder of a Class A license shall **by the tenth day of each calendar month display at the entrance to the gaming floor and on the front of the main cashier cage** the *[minimum theoretical]* **actual** aggregate payout percentage **to the nearest one-tenth percent (0.1%)** of all of the electronic gaming devices **of each denomination in operation for each of the three (3) preceding calendar months.**

*AUTHORITY:* sections 313.004 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed March 1, 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 cost private entities thirteen thousand dollars (\$13,000) in the aggregate. Please see attached fiscal note.

*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 May 7, 2002, in the commission hearing room, 3417 Knipp Drive, Jefferson City, MO 65109.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 11 - DEPARTMENT OF PUBLIC SAFETY

Division: 45 - Missouri Gaming Commission

Chapter: 5 - Conduct of Gaming

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 11 CSR 45-5.070 Payout Percentage for Electronic Gaming Devices

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
13 Class A Licensees	Riverboat Casinos	\$13,000

**III. WORKSHEET**

13 Class A Licensees x \$1,000 per licensee = \$13,000

**IV. ASSUMPTIONS**

Each of the Class A licensees presently calculate the required percentages and provide this information to the Missouri Gaming Commission on a monthly basis. The time required by personnel of each licensee to post the payout percentages each month as well as the cost of the signage itself should be minimal. Therefore, a projected cost of \$1,000 per licensee annually should more than cover the costs of complying with the proposed amendment.



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

**PROPOSED AMENDMENT**

**11 CSR 45-5.075 Payout Percentage for Progressive Table Games.** The commission is amending provisions of this rule.

*PURPOSE:* This amendment clarifies the manner in which progressive wagers shall be distributed.

Table games that include progressive jackpots shall include a progressive meter, visible to the public. *[, set at a rate of progression of no] No less than seventy percent (70%) [distribution] of all progressive wagers made shall be distributed* to the player and no more than *[a] thirty percent (30%) [distribution] shall be distributed* to the Class A licensee. If any part of the distribution to the progressive jackpot(s) is being used to fund a secondary jackpot, visible signage informing players of this supplemental distribution must be placed in the immediate area of the table. The existence of progressive jackpots and the distribution to those jackpots shall be set forth in the "rules of the game" within a licensee's internal controls for each game having a progressive jackpot(s). Any table game not meeting this distribution requirement shall be deemed an unauthorized gambling game.

*AUTHORITY:* sections 313.004, 313.805, [RSMo 1994] and 313.807, RSMo [Supp. 1999] **2000**. Original rule filed May 10, 2000, effective Nov. 30, 2000. Amended: Filed March 1, 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 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 May 7, 2002, in the commission hearing room, 3417 Knipp Drive, Jefferson City, MO 65109.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.030 Minimum Internal Control Standards.** This amendment updates the "Minimum Internal Control Standards which are incorporated by reference in this rule."

*PURPOSE:* The purpose of the proposed Minimum Internal Control Standards is to provide specific rules governing pit areas and supervision of the pits by changing Section D 74 and 75.

*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 March 1, 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 could cost some private entities more than five hundred dollars (\$500) in the aggregate. It is anticipated that those entities would be two (2) or three (3) of the larger casinos that would chose to operate more than thirty-six (36) table games at one time. Such operations, if used, would conceivably be limited to peak times. Cost savings are expected to result from this rule for most casinos during the majority of the time in that this rule will preclude the need for some casinos to reconfigure their pit arrangements and one (1) pit manager may be used to oversee multiple pit areas instead of having a separate pit manager for each area. Savings may also be realized during light times when less than seven (7) total tables are in operation as the duties of the pit manager may be assumed by the casino shift manager. Costs and/or savings will vary from property to property depending on present staffing levels, casino design, size of the operation, and other variables.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, PO Box 1847, 3417 Knipp Drive, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule are requested to submit cost (estimated or actual, if available) with the comments. A public hearing is scheduled for 10:00 a.m. on May 7, 2002, in the commission hearing room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 11 - DEPARTMENT OF PUBLIC SAFETY

Division: 45 - Missouri Gaming Commission

Chapter: 9 - Internal Control System

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 11 CSR 45-9.030 - Minimum Internal Control Standards

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3 Class A Licensees	Riverboat Casinos	\$74,880

**III. WORKSHEET**

52 weeks x 2 nights = 104 nights  
104 nights x 8 hours = 832 hours  
832 hours x \$30/hr.=\$24,960  
\$24,960 x 3 Class A Licensees = \$74,880

**IV. ASSUMPTIONS**

**MINIMUM INTERNAL CONTROL STANDARDS  
SECTION D - LIVE GAMES (TABLE GAMES)**

**Required Personnel**

74. At least one table games supervisor shall be on duty in the pit providing direct supervision of each four open gaming tables if any one of the tables being supervised is a craps table. At least one table games supervisor shall be on duty in the pit providing direct supervision of each six open gaming tables provided none of those six in operation is a craps table.

In addition to table games supervisors, oversight of table games, table games supervisors, and pit operations will be directly supervised according to the following chart.

Tables Open	Table Games Managers	Casino Shift Manager acting as a part-time Table Games Manager
1 craps table	0	1
1-6 total tables	0	1
2 or more craps tables	1	Not Allowed
7-36 total tables	1	Not Allowed
Each additional 1-36 tables	1 additional	Not Allowed

Other than a casino shift manager acting as a table games manager, table games managers shall be physically present in the pit(s) and be solely dedicated to supervising activities at open table games and activities within the pit(s). If a licensee uses job titles other than "table games supervisor" and /or "table games manager," the internal controls will specify which job titles used by the licensee correspond to these positions and ensure the job descriptions of those positions properly delineate the duties. Table games managers supervising pit areas separated by sight or sound shall have a communications device enabling them to be immediately notified of any incident requiring their attention and shall promptly respond when notified. The casino shift manager will assign table games managers specific responsibilities regarding activities associated with specific tables.

75. The pit area(s) shall be described by the Class A licensee in their internal controls at a minimum by their location(s), configuration(s), and restrictions on access.

**Forms Corrections**

76. Corrections on table fill/credit, opener and closer documentation shall be made by crossing out the error, entering the correct figure, and then obtaining the initials of at least two table games employees. If a computer generated reporting system is utilized, corrections to table games data shall be made using either of the following:

*Note: Sections 313.800 through 313.850, RSMo., et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED RULE**

**11 CSR 45-30.025 Bingo Promotions**

*PURPOSE:* This rule establishes the general guidelines and restrictions licensed charitable organizations must follow to conduct "free no charge" promotional events in conjunction with their bingo game, pursuant to section 313.040, RSMo.

(1) Bingo promotions are defined as free drawings, free pull tabs, free bingo paper, birthday packs, free merchandise, or any type of free games offered in conjunction with a bingo event in which a cash, merchandise, or other item of value is awarded.

(2) Bingo promotions are not an authorized cost of conducting a bingo game under section 313.040, RSMo. Any bingo promotion a licensee may choose to conduct in conjunction with a licensed bingo event shall be entirely funded from non-bingo funds or donations.

(3) Prizes awarded from bingo promotions will not count against the three thousand six hundred dollars (\$3,600) maximum that a licensed organization may award during any single bingo event.

(4) Individuals participating in the management or conduct of a bingo promotion and bingo workers for a bingo session involving a bingo promotion may not receive anything of value through that promotion. All other persons sixteen (16) years of age or older will be eligible to enter the bingo hall and participate in the drawing or game without any charge whatsoever, including admission fees, and with no solicitation of any kind for donations to participate.

(5) Bingo promotions will be conducted within compliance of all applicable laws and regulations and in such a manner that the chance of winning any promotional drawing or game shall be equal for all participants. Bingo selection equipment may be used to determine the winner of a bingo promotion.

(6) Licensees will grant Gaming Commission personnel access to all records related to promotions offered in conjunction with licensed bingo upon request.

*AUTHORITY:* section 313.065, RSMo 2000. Original rule filed March 1, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, Bingo Division, 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**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on May 7, 2002, in the commission hearing room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 10—Office of the Director  
Chapter 4—Coordinated Health Care Services**

**PROPOSED RULE**

**19 CSR 10-4.040 Definition of a Public Health Setting**

*PURPOSE:* The purpose of this rule is to implement section 332.311, RSMo as amended by HB567 of the 91st General Assembly and defines the public health settings in which a dental hygienist may practice without the supervision of a dentist.

(1) For the purposes of section 332.311, RSMo only, the term "public health setting" shall be defined as a location where dental services authorized by section 332.311, RSMo are performed so long as the delivery of services are sponsored by a governmental health entity which includes:

(A) Department of Health and Senior Services;

(B) A county health department;

(C) A city health department operating under a city charter;

(D) A combined city/county health department; or

(E) A nonprofit community health center qualified as exempt from federal taxation under section 501(c)(3) of the *Internal Revenue Code* including a community health center that receives funding authorized by sections 329, 330, and 340 of the United States Public Health Services Act.

*AUTHORITY:* section 332.311.2, RSMo Supp. 2001. Emergency rule filed March 15, 2002, effective March 25, 2002, expires Sept. 20, 2002. Original rule filed March 15, 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 M. Dean Perkins, D.D.S., M.P.H., Chief, Oral Health Policy Unit, Department of Health and Senior Services, PO Box 570, 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.