

Volume 28, Number 10

Pages 943-1016

May 15, 2003



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

MATT BLUNT

Administrative Rules Division

James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

DIRECTOR

LYNNE C. ANGLE

EDITORS

BARBARA MCDUGAL

JAMES MCCLURE

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

TIFFANY M. DAVIS

PUBLISHING STAFF

WILBUR HIGHBARGER

CARLA HERTZING

HEATHER M. DOWNS

ADMINISTRATIVE STAFF

SANDY SANDERS

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

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

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.state.mo.us/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.state.mo.us/adrules/csr/csr.asp>. These web sites contain rulemakings and regulations as they appear in the Registers and CSR. These web sites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo 2000. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sosmail.state.mo.us.

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



IN THIS ISSUE:

EMERGENCY RULES

Department of Economic Development
Office of Tattooing, Body Piercing and Branding 947

Department of Labor and Industrial Relations
Division of Employment Security 948

Elected Officials
Secretary of State 949

EXECUTIVE ORDERS

PROPOSED RULES

Department of Higher Education
Commissioner of Higher Education 956

Department of Transportation
Missouri Highways and Transportation Commission 958

Department of Labor and Industrial Relations
Division of Employment Security 969

Department of Natural Resources
Public Drinking Water Program 969

Department of Public Safety
Division of Fire Safety 973

Department of Revenue
Director of Revenue 981

Elected Officials
Secretary of State 982

ORDERS OF RULEMAKING

Office of Administration
Personnel Advisory Board and Division of Personnel 983

Department of Conservation
Conservation Commission 983

Department of Economic Development
Missouri State Board of Accountancy 984

Department of Transportation
Missouri Highways and Transportation Commission 984

Department of Natural Resources
Division of Geology and Land Survey 986
Soil and Water Districts Commission 986

Department of Social Services
Division of Family Services 988
Division of Medical Services 988

Missouri Consolidated Health Care Plan
Health Care Plan 989

DISSOLUTIONS 992

BID OPENINGS

Office of Administration
Division of Purchasing 993

SOURCE GUIDES

RULE CHANGES SINCE UPDATE 994

EMERGENCY RULES IN EFFECT 1002

EXECUTIVE ORDERS 1004

REGISTER INDEX 1005

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
March 3, 2003 March 17, 2003	April 1, 2003 April 15, 2003	April 30, 2003 April 30, 2003	May 30, 2003 May 30, 2003
April 1, 2003 April 15, 2003	May 1, 2003 May 15, 2003	May 31, 2003 May 31, 2003	June 30, 2003 June 30, 2003
May 1, 2003 May 15, 2003	June 2, 2003 June 16, 2003	June 30, 2003 June 30, 2003	July 30, 2003 July 30, 2003
June 2, 2003 June 16, 2003	July 1, 2003 July 15, 2003	July 31, 2003 July 31, 2003	August 30, 2003 August 30, 2003
July 1, 2003 July 15, 2003	August 1, 2003 August 15, 2003	August 31, 2003 August 31, 2003	September 30, 2003 September 30, 2003
August 1, 2003 August 15, 2003	September 2, 2003 September 15, 2003	September 30, 2003 September 30, 2003	October 30, 2003 October 30, 2003
September 2, 2003 September 15, 2003	October 1, 2003 October 15, 2003	October 31, 2003 October 31, 2003	November 30, 2003 November 30, 2003
October 1, 2003 October 15, 2003	November 3, 2003 November 17, 2003	November 30, 2003 November 30, 2003	December 30, 2003 December 30, 2003
November 3, 2003 November 17, 2003	December 1, 2003 December 15, 2003	December 31, 2003 December 31, 2003	January 30, 2004 January 30, 2004
December 1, 2003 December 15, 2003	January 2, 2004 January 15, 2004	January 30, 2004 January 30, 2004	February 29, 2004 February 29, 2004

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.state.mo.us/adrules/pubsched.asp>

Missouri Depository Libraries

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

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948	Kinderhook Regional Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Missouri Southern State College Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9770	ESTEP Library Southwest Baptist University 1601 S. Springfield Street Bolivar, MO 65613-2597 (417) 326-5281
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2756	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3075	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733	West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6484	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3400	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083	Springfield-Greene County Library PO Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-1281	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (314) 978-7997	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6292	
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	River Bluffs Regional Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

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

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 267—Office of Tattooing, Body Piercing and Branding

Chapter 4—Temporary Establishments

EMERGENCY RULE

4 CSR 267-4.020 Temporary Practitioner License

PURPOSE: The purpose of this rule is to outline the requirements for a temporary practitioner's license in the event of a state or national convention being held in the state of Missouri.

EMERGENCY STATEMENT: This emergency rule is necessary to preserve a compelling governmental interest requiring an early effective date in that the rule preserves the economic development of conventions being held in the state of Missouri that would otherwise be unable to comply with the normal licensing requirements of the Office of Tattooing, Body Piercing and Branding. Several large conventions have been scheduled within the state of Missouri wherein practitioners will spend a portion of their time performing the services of tattooists, body piercers and/or branders. Such conventions were scheduled and contracts were executed prior to the promulgation of the division's current rules. The division did not take into account the need to license persons attending such conventions in less than a thirty (30)-day window and for only a short period of time. It would be

unduly burdensome on the participants and sponsors to comply with the current requirements for full licensure and the possibility exists that such conventions would, therefore, be required to relocate outside of the state of Missouri. The loss of revenue to the state and local cities and municipalities would not be recovered and would also result in the loss of any future economic development with respect to the location of such conventions. This emergency rule will assist the division in protecting the health, safety and welfare of the public from fraudulent and incompetent temporary practitioners while at the same time preserving the economic development and tourism revenues important to the function of state and local government. In addition, the division finds that an immediate danger to the public health, safety and welfare requires emergency action in that practitioners must be licensed before their equipment and supplies can be inspected. The division currently has in place a rule that also requires the establishment where temporary practitioners are working to be licensed and pass inspection for safe and sanitary conditions. All equipment and supplies of each temporary practitioner will be inspected and requirements will have to be met for the safe and sanitary use and disposal of equipment that is used in invasive procedures for tattooing, body piercing and branding. The addition of this emergency rule will enhance the division's ability to ensure safe and sanitary practices in the convention setting as well as protect the health, safety and welfare of the public.

*The scope of the emergency rule is limited to the specific situation giving rise to the need for an emergency rule as well as the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rule, the division has held discussions with the public affected by this rule, the health inspectors of the City of St. Louis and the Missouri Department of Health and Senior Services, as well as with legislators interested in these matters. The division believes this emergency rule to be fair to all interested parties under the circumstances. This emergency rule was filed April 15, 2003, effective April 25, 2003, expires October 24, 2003.*

(1) The director of the Division of Professional Registration shall issue a temporary license to practice tattooing, body piercing and/or branding under the following requirements:

(A) The applicant for temporary licensure is entering the state of Missouri for the sole purpose of participating in a state or national convention wherein the applicant will be practicing the profession of tattooing, body piercing and/or branding;

(B) The applicant files a completed application with the division prior to the official start of the portion of the convention wherein the practice of tattooing, body piercing and/or branding takes place and tenders a fee of fifty dollars (\$50).

(C) The applicant is otherwise qualified for licensure pursuant to sections 324.520 through 324.526, RSMo, and the rules and regulations promulgated thereunder.

(2) A temporary license to practice tattooing, body piercing and/or branding issued pursuant to this rule shall be valid for a period not to exceed fourteen (14) days and shall not be renewable.

(3) Prior to July 1, 2003, any Missouri resident wishing to participate in a tattoo, body piercing and/or branding convention held within the state of Missouri and who is otherwise qualified for licensure pursuant to sections 324.520 through 324.526, RSMo, and the rules and regulations promulgated thereunder, but who has not yet received verification of licensure from the division, may apply for a temporary license under these provisions.

(4) Out-of-state applicants receiving a temporary license pursuant to this rule shall agree to designate the division as its agent for the purpose of service of process in the event such person is named in a

lawsuit pertaining to his or her temporary licensure in the state of Missouri.

AUTHORITY: section 324.522, RSMo Supp. 2002. Emergency rule filed April 15, 2003, effective April 25, 2003, expires Oct. 24, 2003.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 3—Unemployment Insurance**

EMERGENCY RULE

8 CSR 10-3.130 Direct Deposit of Unemployment Benefits

PURPOSE: This rule implements and sets forth the requirements regarding the mandatory direct deposit of unemployment benefits into claimants' accounts at financial institutions.

EMERGENCY STATEMENT: This rule implements and sets forth the requirements regarding the mandatory direct deposit of unemployment benefits into claimants' accounts at financial institutions. Section 503 of Title 42 of the United States Code (U.S.C.) provides in part that the United States Secretary of Labor shall not certify a state's unemployment insurance program unless he finds that the law of such state includes provisions for "such methods of administration . . . as are found by the secretary of labor to be reasonably calculated to insure full payment of unemployment compensation when due. . .". Since 1996, claimants have had the option of having their unemployment benefits deposited directly into their checking or savings accounts by means of electronic funds transfer. However, the use of direct deposit was voluntary on the part of claimants. Currently, only sixteen percent (16%) of unemployment benefit claimants elect the direct deposit option and the division continues to pay eighty-four percent (84%) of all unemployment benefits by warrant. Given the current volume of claims for unemployment benefits, the division has insufficient equipment and funding to continue to pay unemployment benefits by warrant. Therefore, the division cannot "insure full payment of unemployment compensation when due" as required by 42 U.S.C. section 503.

If the division cannot insure full payment of unemployment compensation when due, Missouri's unemployment insurance program will be out of conformity with federal law and the Secretary of the United States Department of Labor could withhold annual certification of the state's unemployment insurance program. As a result of such action by the Secretary of the United States Department of Labor, the state of Missouri would lose federal grants to administer its unemployment insurance program, and its employment services and employee training programs. Additionally, the state of Missouri would lose its ability to borrow from the federal government to maintain the solvency of state's unemployment compensation trust fund. Currently, the state of Missouri does not have sufficient general revenue to compensate for this loss of federal funding. Therefore, if the Secretary of the United States Department of Labor withheld certification of Missouri's unemployment insurance program, this vital program would cease to function. Unemployed Missouri workers would not receive needed unemployment benefit payments.

The Division of Employment Security has promulgated this regulation implementing the mandatory electronic transfer of unemployment benefits directly to claimants' accounts in financial institutions to insure unemployed Missouri workers continue to receive unemployment benefit payments in a timely manner. The Division of Employment Security finds that an interruption of unemployment benefit payments to unemployed Missouri workers would create an immediate danger to the public health, safety and/or welfare and a compelling governmental interest. Therefore, this emergency rule is necessary to protect the public health, safety and welfare. A proposed

rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Division of Employment Security believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 14, 2003, effective May 1, 2003, and expires October 27, 2003.

(1) The Division of Employment Security has established an electronic funds transfer system to transfer directly to claimant's accounts in financial institutions benefits payable to them pursuant to Chapter 288, RSMo. This program shall be known as the Unemployment Benefit Direct Deposit Program.

(2) Unless the division waives application of this rule, all benefits payable pursuant to Chapter 288, RSMo shall be transferred by means of electronic funds transfer directly into claimant's accounts in financial institutions designated by the claimants.

(3) Each individual filing an initial claim for a determination of insured worker status shall complete a direct deposit application form authorizing the division to deposit benefit payments into a designated checking or savings account. The direct deposit application form shall be completed and transmitted to the division within ten (10) days after the filing of the initial claim. The completion of a direct deposit application form shall authorize the division to initiate credit entries, and debit entries to correct erroneous credit entries, to the claimant's designated checking or savings account. On the direct deposit application form the claimant shall provide the following: claimant's name, claimant's Social Security number, name of the designated financial institution, type of deposit account, signature, and date. The claimant shall transmit the completed direct deposit application form to the division with a void or canceled check or deposit slip for the designated deposit account. Direct deposit application forms may be obtained by contacting one of the division's regional claim centers or by downloading the form through the division's Internet website at <http://dolir.mo.gov/es/ui-benefits/B-6-5-AI.pdf>.

(4) At any time during the benefit year, a claimant may change the designated checking or savings account by completing and transmitting to the division a new direct deposit application form. Unless the claimant changes the designated checking or savings account by completing a new direct deposit application form, the division shall direct all benefits payable to the claimant during his or her benefit year to the checking or savings account designated by the claimant on the direct deposit application form currently on file with the division. All individuals currently claiming benefits pursuant to Chapter 288, RSMo shall complete a direct deposit application form as directed by the division.

(5) The division may waive application of this rule and continue to pay benefits by warrant under any of the following circumstances:

(A) The claimant has a physical or mental disability, as documented by a health care professional, that would impede the claimant's ability to gain access to electronically deposited funds;

(B) The claimant certifies that his or her religious convictions preclude the use of direct deposits;

(C) The claimant is precluded from having a checking or savings account because his or her primary residence is too remote to have access to a financial institution;

(D) The claimant's financial institution submits a written statement to the division confirming the institution's inability to accept an electronic deposit or withdrawal;

(E) The claimant's financial institution submits a written statement to the division confirming that the institution charges for an electronic deposit or withdrawal;

(F) The claimant does not have a checking or savings account currently and is unable to establish such an account within the claimant's geographic area without the payment of a service fee;

(G) The claimant does not have a checking or savings account currently and all financial institutions within the claimant's geographic area charge a service fee to establish or maintain such an account unless the claimant maintains a minimum balance in the account; or

(H) The division determines that the facts of the particular case warrant a waiver of this rule.

(6) Any request for a waiver of this rule shall be in writing, signed by the claimant, and transmitted to the division. The request must set forth in detail why the claimant cannot utilize direct deposit of unemployment benefit payments. The request must also include any required supporting documentation.

(7) If the division denies a claimant's request for a waiver of this rule, the claimant may appeal the denial to the appeals tribunal within thirty (30) calendar days after the denial notice is mailed to the claimant's last known address.

(8) Notwithstanding the provisions of section (2) of this rule, the division may continue to pay benefits by warrant when necessary to comply with federal or state law.

AUTHORITY: sections 288.060 and 288.220, RSMo 2000. Emergency rule filed April 14, 2003, effective May 1, 2003, expires Oct. 27, 2003. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 80—Business Entities**

EMERGENCY RULE

15 CSR 30-80.010 Redaction of Social Security Numbers and Dates of Birth from Business Entity Filings

PURPOSE: This rule establishes procedures for redacting Social Security numbers and specific dates of birth from business entity filings.

EMERGENCY STATEMENT: This emergency rule informs the public of procedures to be utilized by the Business Services Division to redact Social Security numbers and specific dates of birth from business entity filings that are imaged and available to the public. This emergency rule is necessary to protect the public health, safety and welfare because the Business Services Division receives numerous business filings that include the Social Security numbers and dates of birth of individuals that may be used for unlawful purposes resulting in harm to the public. The Social Security numbers and dates of birth are not required to be included on the business filings, but many filings are submitted with this information. The Business Services Division is providing increased access to many of its filings on-line with another group scheduled to become accessible on May 12, 2003. This enhanced on-line access increases the risk that the Social Security numbers and dates of birth may be used for fraudulent and other unlawful purposes resulting in monetary damages and harm to individuals. As a result, the Business Services Division finds an immediate danger to the public health, safety, and welfare and a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Business Services Division believes this emergency rule is fair to all interested persons and parties under the

circumstances. This emergency rule was filed May 1, 2003, effective May 11, 2003, and expires November 6, 2003.

(1) The Business Services Division may redact information from a business entity filing image when that information appears to be an individual's Social Security number or date of birth.

(2) The Business Services Division will use procedures reasonably practicable under the circumstances to prevent an individual's Social Security number or date of birth submitted on a business entity filing from appearing on imaged documents available on-line or otherwise accessible to the public. The person submitting a business entity filing to the Business Services Division assumes the ultimate responsibility for providing unnecessary personal information, such as Social Security numbers and dates of birth, within a business entity filing that is a public record pursuant to Chapter 610, RSMo.

AUTHORITY: sections 351.660, 355.061, 356.031 and 610.035, RSMo 2000. Emergency rule filed May 1, 2003, effective May 11, 2003, expires Nov. 6, 2003. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

EXECUTIVE ORDER 03-12

Whereas, I have been advised by the Director of the State Emergency Management Agency that a natural disaster of major proportions has occurred throughout the State of Missouri, which area has been affected by severe storms, and high winds with tornadoes; and

Whereas, there has been loss of life in Jasper County; and

Whereas, damage to the affected areas and loss of property and interruption of public services have occurred as a result of the severe weather beginning May 4, 2003; and

Whereas, the severe weather that began on May 4, 2003, and which may continue, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

Whereas, protection of the safety and welfare of the citizens of the affected communities requires an invocation of the provisions of Section 44.100, RSMo.

Now, Therefore, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 41.480.2 and 44.100, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. The counties suffering damage are hereby declared disaster areas, and I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide support to the affected areas.

This order shall terminate on June 4, 2003, unless extended in whole or in part.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 5th day of May, 2003.

Bob Holden
Governor

Mat Blunt
Secretary of State

**EXECUTIVE ORDER
03-13**

Whereas, I have been advised by the Director of the State Emergency Management Agency that a natural disaster of major proportions has occurred throughout the State of Missouri, which area has been affected by severe storms, and high winds with tornadoes; and

Whereas, there has been loss of life in Jasper County; and

Whereas, damage to the affected areas and loss of property and interruption of public services have occurred as a result of the severe weather beginning May 4, 2003; and

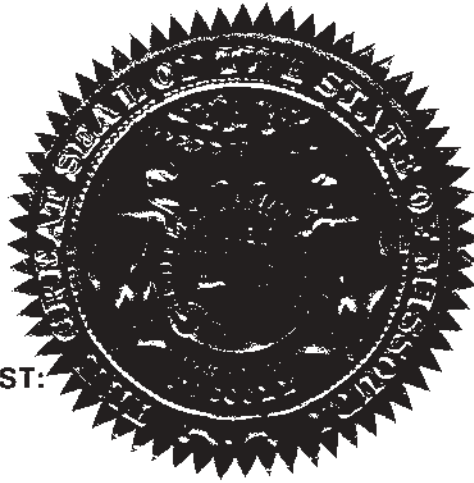
Whereas, the severe weather that began on May 4, 2003, and which may continue, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

Whereas, protection of the safety and welfare of the citizens of the affected communities requires an invocation of the provisions of Section 44.100, RSMo.

Whereas, pursuant to Section 41.480.2 RSMO, I called out the National Guard to provide emergency relief to the affected counties.

Now, Therefore, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Section 41.480.2, RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General, or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this State.

This order shall terminate on June 4, 2003, unless extended in whole or in part.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 5th day of May, 2003.

Bob Holden
Governor

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-14**

Whereas, I have been advised by the Director of the State Emergency Management Agency that a natural disaster of major proportions has occurred throughout the State of Missouri, which area has been affected by severe storms and high winds with tornadoes; and

Whereas, there has been loss of life; and

Whereas, damage to the affected areas and loss of property and interruption of public services have occurred as a result of the severe weather beginning May 4, 2003; and

Whereas, the severe weather that began on May 4, 2003, and which may continue, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

Whereas, on May 4, 2003, I declared that a State of Emergency existed in the State of Missouri, pursuant to my authority under Chapter 44, RSMo; and

Whereas, the Missouri Department of Natural Resources is charged by law with protecting and enhancing the quality of Missouri's environment and with enforcing a variety of environmental rules and regulations; and

Whereas, to respond to the declared emergency and to expedite the cleanup and recovery process, it is necessary to adjust certain environmental rules and regulations on a temporary and short-term basis.

Now, therefore, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby issue the following order:

The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interest of public health and safety during the period of the emergency and the subsequent recovery period. The authority granted by this Order shall remain in effect for the duration of the emergency.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 7th day of May, 2003.

A handwritten signature in cursive script, reading "Bob Holden". The signature is written in black ink and is positioned above a horizontal line.

Bob Holden
Governor

A handwritten signature in cursive script, reading "Matt Blunt". The signature is written in black ink and is positioned above a horizontal line.

Matt Blunt
Secretary of State