

Volume 28, Number 16
Pages 1415-1470
August 15, 2003



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

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

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

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/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



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

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 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—The most recent version of the statute containing the section number and the date.

FROM THIS ANGLE ...

Emergency Rulemakings

If your agency is contemplating filing an emergency rulemaking, please read section 536.025, RSMo 2000 *before* doing so. Section 536.025 will direct you to the very specific statutory criteria our office will review before allowing an emergency rulemaking to go forward.

To summarize:

A rule may be made, amended or rescinded by a state agency without following section 536.021, only if:

1. Finds an immediate danger to public health safety or welfare requires emergency action, or is necessary to preserve compelling governmental interest requiring an early effective date;
2. Follows procedures best calculated to assure fairness to all interested persons and parties;
3. Follows procedures in compliance with protections extended by the Missouri and U.S. Constitutions; and
4. Limits scope of rulemaking to circumstances creating an emergency and requiring emergency action.

Additionally, a rule adopted under the provisions of this section shall not be renewable, nor shall an agency adopt consecutive emergency rules that have *substantially* the same effect.

No emergency rulemaking may be in effect for a period exceeding one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer.

Rulemakings adopted (and approved by our office) under the provision of this section may be effective not less than ten (10) days after the filing thereof, or at such later date as may be specified in the rule and may be terminated at any time.

Our office reviews all emergency rulemakings filed very carefully for statutory compliance. If your agency files an emergency rulemaking do not be surprised if you receive a telephone call from our office

seeking additional information concerning the emergency rulemaking filed.

As always, call if we may be assistance in the preparation of your rulemakings.

A handwritten signature in black ink, appearing to read "Lynne C. Angle". The signature is fluid and cursive, with a large initial "L".

**Lynne C. Angle, Director
Administrative Rules Division**

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 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 2—Income Maintenance**

EMERGENCY AMENDMENT

13 CSR 40-2.310 Requirements as to Eligibility for Temporary Assistance. Subsection (1)(B) is amended to change the eligibility of aliens who have been in the United States less than five (5) years.

PURPOSE: This proposed amendment establishes the ineligibility of aliens who have been in the United States for less than five (5) years after August 22, 1996.

EMERGENCY STATEMENT: In order to meet SFY 2004 projected revenues, the 92nd General Assembly, in House Bill II, approved core reductions to the Temporary Assistance Program, totaling \$5.8 million including \$2.2 million for the following described population. Beginning August 1, 2003 the benefit issuance for the Temporary Assistance Program will be altered to include only those legal aliens who have been in the United States five (5) years after August 22, 1996 (with certain exceptions). Promulgation of this emergency amendment is necessary to preserve the compelling governmental interest to achieve a balanced state budget for SFY 2004. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amend-

ment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 22, 2003, effective August 1, 2003 and expires January 27, 2004.

(1) The eligibility requirements for the Temporary Assistance Program shall include:

(B) [Requiring a recipient of assistance and each dependent child to be a resident of the state of Missouri, and a United States citizen, a qualified alien as defined in section 1641 of Title 8, United States Code or an alien permanently residing under color of law;] **Requiring a recipient of assistance and each dependent child to be a resident of the state of Missouri and:**

1. A United States citizen; or

2. A qualified alien as defined in Title 8, section 1641 of the *United States Code* except as otherwise provided herein. Except as provided in 8 U.S.C. section 1622(b), a qualified alien who enters the United States on or after August 22, 1996, is not eligible for Temporary Assistance benefits for a period of five (5) years beginning on the date of the alien's entry into the United States. Qualified aliens who have entered the United States on or after August 22, 1996, and who do not meet the time limit exception may be eligible for Temporary Assistance after a period of five (5) years beginning on the date of the qualified alien's entry into the United States. An alien who is not a qualified alien under Title 8, sections 1641 or 1622(b) of the *United States Code* shall be ineligible to receive Temporary Assistance benefits. If an alien who is not eligible to receive Temporary Assistance benefits is found to be on the Temporary Assistance rolls then his or her benefits will be terminated and his or her case will be closed. If an applicant for Temporary Assistance benefits is not a qualified alien or does not otherwise fall within the exception set forth in 8 U.S.C. section 1622(b) then the applicant's application for Temporary Assistance will be denied.

AUTHORITY: sections 207.020 and 208.040.5, RSMo [1994] 2000. Emergency rule filed Feb. 18, 1998, effective March 1, 1998, terminated Aug. 10, 1998. Original rule filed Jan. 16, 1998, effective Aug. 1, 1998. Emergency amendment filed July 22, 2003, effective Aug. 1, 2003, expires Jan. 27, 2004. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 2—Income Maintenance**

EMERGENCY RULE

13 CSR 40-2.380 Grandparents as Foster Parents

PURPOSE: This rule establishes the maximum benefit amount for the Grandparents as Foster Parents Program after July 31, 2003.

EMERGENCY STATEMENT: The provisions of subsection 453.325.4, RSMo, states that subject to appropriations, the Grandparents as Foster Parents Program shall provide reimbursement up to seventy-five percent (75%) of the current foster care payment schedule to eligible grandparent, for the care of a grandchild. In accordance with this law, there is a further reduced amount for three (3) or more children. In House Bill II, Section II.140 appropriated \$7,282,030 for the Grandparents as Foster Parents for SFY 2003. In order to meet SFY 2004 projected revenues, the 92nd General

*Assembly, in House Bill II, Section II.145 approved core reductions to the Grandparents as Foster Parents Program, providing an appropriation of only \$2,403,070, a reduction of sixty-seven percent (67%), or \$4,878,960. This reduced appropriation prevents the program from providing reimbursement at the current rate of seventy-five (75%). To ensure spending within this appropriation and to ensure equitable benefits to eligible grandparents, beginning August 1, 2003 the benefit issuance for the Grandparent as Foster Parents Program will be reduced to twenty-five percent (25%) of the Foster Care grant. 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 believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed July 11, 2003, effective August 1, 2003 and expires January 27, 2004.*

(1) The Grandparents as Foster Parents Program shall provide reimbursement up to twenty-five percent (25%) of the current foster care payment schedule to eligible grandparents for the care of a grandchild.

(2) The Grandparents as Foster Parents Program shall provide a further reduced amount for three (3) or more children.

*AUTHORITY: sections 207.020, RSMo 2000 and 453.322 and 453.325, RSMo Supp. 2002. Emergency rule filed July 11, 2003, effective Aug. 1, 2003, expires Jan. 27, 2004. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*