

Volume 29, Number 1
Pages 1-82
January 2, 2004



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

HEATHER M. DOWNS

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 City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

FROM THIS ANGLE	5	IN ADDITIONS	
EXECUTIVE ORDERS	7	Department of Economic Development	
PROPOSED RULES		Division of Credit Unions	55
Department of Economic Development		Division of Finance	55
Board of Therapeutic Massage	23	U.S. Department of the Interior	
Department of Public Safety		Bureau of Land Management	56
Division of Alcohol and Tobacco Control	43	DISSOLUTIONS	57
Missouri State Water Patrol	44		
ORDERS OF RULEMAKING		SOURCE GUIDES	
Department of Public Safety		RULE CHANGES SINCE UPDATE	59
Adjutant General	50	EMERGENCY RULES IN EFFECT	67
Missouri Gaming Commission	50	EXECUTIVE ORDERS	70
Department of Social Services		REGISTER INDEX	71
Division of Medical Services	53		

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
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
January 2, 2004 January 15, 2004	February 2, 2004 February 17, 2004	February 29, 2004 February 29, 2004	March 30, 2004 March 30, 2004
February 2, 2004 February 17, 2004	March 1, 2004 March 15, 2004	March 31, 2004 March 31, 2004	April 30, 2004 April 30, 2004
March 1, 2004 March 15, 2004	April 1, 2004 April 15, 2004	April 30, 2004 April 30, 2004	May 30, 2004 May 30, 2004
April 1, 2004 April 15, 2004	May 3, 2004 May 17, 2004	May 31, 2004 May 31, 2004	June 30, 2004 June 30, 2004
May 3, 2004 May 17, 2004	June 1, 2004 June 15, 2004	June 30, 2004 June 30, 2004	July 30, 2004 July 30, 2004
June 1, 2004 June 15, 2004	July 1, 2004 July 15, 2004	July 31, 2004 July 31, 2004	August 30, 2004 August 30, 2004
July 1, 2004 July 15, 2004	Aug. 2, 2004 Aug. 16, 2004	Aug. 31, 2004 Aug. 31, 2004	Sept. 30, 2004 Sept. 30, 2004
August 2, 2004 August 16, 2004	September 1, 2004 September 15, 2004	September 30, 2004 September 30, 2004	October 30, 2004 October 30, 2004
September 1, 2004 September 15, 2004	October 1, 2004 October 15, 2004	October 31, 2004 October 31, 2004	November 30, 2004 November 30, 2004
October 1, 2004 October 15, 2004	November 1, 2004 November 15, 2004	November 30, 2004 November 30, 2004	December 30, 2004 December 30, 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.mo.gov/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 ext. 160	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 ext. 325	Lebanon-Laclede County 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 University Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	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) 751-3615	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 ext. 7812	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 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Southwest Missouri State University 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	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 ext. 359	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) 235-2438	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 (636) 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) 248-6279	
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	St. Joseph Public 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. 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 . . .

Automation is Coming!!! – REALLY!!!

You have been hearing in this column from time-to-time that we are in the process of automating the administrative rules process. You probably are thinking . . . when? Well, we have been utilizing the first phase, Release 1, which is our internal logging and tracking piece. We are pleased to report this process is running very smoothly for us.

Next, phase 2 will introduce text editing and *we are looking for volunteers*. If you/your agency does frequent rule filings and/or if you are very familiar with the rulemaking process and wish to participate in a “*test group*,” now is the time to let us know! Call our main line number at 573-751-4015 and let us know of your interest. The test phase will introduce the template for rulemaking. The use of this template will greatly enhance your user capabilities. The learning curve will be very low because it is a Microsoft Word template and most, if not all of us, know Word. We believe you will find the template to be very “user friendly.”

The next introduction is one we are very excited about! This step will be e-mail notification, provided free of charge as a service of the office. If you wish to be notified *via* e-mail about a rulemaking which has been filed in a certain Title, Division, Chapter, Rule and/or subject matter, or, all of the preceding, all you need to is sign up, select your criteria – *wait for an e-mail to acknowledge your sign-up – and activate your account*. From that point forward, you will be notified any time a rulemaking that fits your criteria is filed. By January 15, we plan to have the e-mail notification piece in place. You may utilize the following URL to sign up – *but please wait until January 15* – or, if available sooner, we will post that information on our website. The address for signing up for the free e-mail notification is: <http://www.sos.mo.gov/adrules/>. *Please remember to wait until January 15, 2004.*

As with any project, the entire e-rules automation project will be an ever-developing evolution . . . but we believe you will see the tremendous benefits it will offer when complete. The entire project will be completed in

four phases. At this time, it is anticipated that by mid-summer, the entire project/process should be complete and fully operational.

We look forward to the opportunity to work with you as together we make technological improvements to the rulemaking process – especially the paperwork required.

As always, if we may be of assistance in the preparation of your rulemakings, in teaching a class to your agency on proper format, preparation of your rulemaking paperwork, etc., please contact us. We are here to help.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne C. Angle".

Lynne C. Angle, Director
Administrative Rules Division

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

EXECUTIVE ORDER 03-18

WHEREAS, the State of Missouri recognizes the critical importance of interoperable communications in the public safety community to the people of Missouri; and

WHEREAS, communications interoperability and positive interaction between public safety entities are a critical element to the day to day safety of first responders throughout Missouri, as they provide a safe environment to the benefit of Missouri's citizens; and

WHEREAS, Missouri's statewide public safety voice and data communications infrastructure need to be upgraded to promote efficient use of technological advances; and

WHEREAS, Missouri has pursued progress on the issue of interoperable communications by the establishment of the State Interoperable Executive Committee; and

WHEREAS, Missouri's 700 MHz Regional Planning Committee is recognized nationally and leading all states in preparing the plans necessary for Missouri public safety to benefit from the recently allocated 700 MHz public safety spectrum; and

WHEREAS, Missouri has been active in planning national strategy for 700 MHz development by participating in a working group under the Interoperability Subcommittee of the Federal Communication Commission's National Coordination Committee; and

WHEREAS, Missouri has participated on the National Task Force on Interoperability, a task force designed to identify interoperable communications needs across the country.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and the laws of the State of Missouri, do hereby order that the Missouri State Highway Patrol within the Department of Public Safety be designated the lead agency in State communications. The Highway Patrol's Communications Division shall serve to coordinate and implement communications technology initiatives for the State, particularly with respect to interoperable communication initiatives among state, local, federal, and public service entities; and

The Highway Patrol shall have authority and responsibility to establish state-wide policies with respect to communications technology that will contribute to the interoperability environment within the State of Missouri; and

The Highway Patrol shall annually produce a Communications Strategic Plan to serve as a guide for establishing and maintaining interoperable communications among public safety and public service entities; and

The Highway Patrol shall annually prepare a report, *The State of Public Safety Communications in Missouri*, and submit the report by December 1 of each year to the Governor, the Chief Justice of the Supreme Court and the Senate and House Appropriation Chairs for consideration in the State's budget process; and

This order shall not be construed to alter the existing authorities of any executive agency or department, except that all executive departments and agencies are directed to assist the Highway Patrol in carrying out the purposes of this order.



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 10th day of December, 2003.



Bob Holden
Governor

ATTEST:



Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-19**

Whereas, the safety of the people of Missouri is of the highest concern to the State of Missouri and its officials; and

Whereas, the people of Missouri depend upon the public safety personnel in the State of Missouri to protect the safety and security of the public; and

Whereas, public safety personnel must work together effectively and efficiently to coordinate their response to emergencies, minimize response time, and maximize resources; and

Whereas, dependable public safety radio communications is an essential component of Missouri's response to emergencies to get the right resources to the right places at the right time and as quickly as possible; and

Whereas, the public safety personnel in the State of Missouri depend upon communications equipment and personnel for their own safety and the safety of the public, and

Whereas, public safety radio communications are a critical infrastructure to the public safety personnel responding to those emergencies by providing an invaluable lifeline to emergency assistance both for the unfortunate victims and for the emergency personnel themselves; and

Whereas, communications interoperability is a critical element to the safety of emergency personnel throughout Missouri and to the benefit of Missouri's citizens; and

Whereas, the State of Missouri supports the efforts of emergency responders and must ensure that they have the tools necessary to serve and protect the people of Missouri.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and the laws of the State of Missouri, do hereby declare that it is the public policy of this state to promote effective and interoperable public safety communications in real time and on demand between all personnel of all state, local, and federal agencies, and the development of necessary communications capabilities and procedures needed to provide assured emergency response, and to minimize the response time for first responders to emergency or disastrous situations. It is the responsibility of this state to establish an interoperable public safety radio environment for the benefit of the public, and all local, state, and federal emergency responders in Missouri.

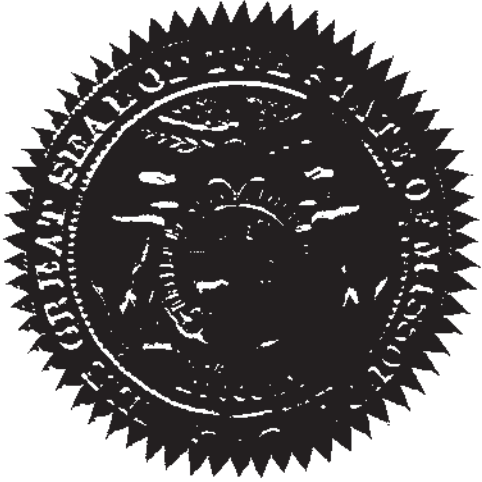
There is hereby created a "Public Safety Communications Committee", to be composed of:

- (1) The Director of the Department of Public Safety or designee;
- (2) The Director of the Office of Homeland Security or designee;
- (3) The Director of the Department of Conservation or designee;
- (4) The Director of the Department of Transportation or designee;
- (5) The Director of the Department of Natural Resources or designee;
- (6) The Director of the Department of Corrections or designee; and
- (7) The Director of the Department of Health or designee.

The Public Safety Communications Committee shall have as its primary mission the maintenance and operation of state radio communications for the delivery of reliable and interoperable communications capability to all state radio users. The committee shall establish and follow a long-term radio communications strategy to effectively and efficiently meet the radio communications needs of all state radio users and shall seek state and federal funding mechanisms to implement that strategy.

There is further hereby established the position of Public Safety Communications Coordinator, within the Department of Public Safety's Highway Patrol Communications Division, to head the committee. The Coordinator shall endeavor to consolidate, enhance, and promote communication functions within Missouri state government and foster interoperable communications among all public safety radio users in Missouri. The Coordinator shall have primary responsibility and authority in matters of state operated radio communications.

The communications committee shall ensure that state radio systems are interoperable with local and federal agencies and comply with interoperability standards, policies, and practices adopted by Missouri's FCC recognized State Interoperability Executive Committee, which shall act as a communications oversight task force with participation of and representation from private, local and state agencies of all public safety disciplines. The Communications Coordinator shall work in cooperation with the State Interoperability Executive Committee (SIEC) to promote effective interoperable communications among local, state, and federal radio users in the State of Missouri.



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 10th day of December, 2003.



Bob Holden
Governor

ATTEST:



Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-20**

WHEREAS, the State of Missouri recognizes the importance of public safety radio communications and the critical role it plays in homeland security and emergency response; and

WHEREAS, the State of Missouri understands the need for improving the ability of all emergency responders to communicate with one another across technological and operational barriers; and

WHEREAS, the State of Missouri has taken a proactive leadership role in addressing homeland security concerns; and

WHEREAS, the majority of all public safety agencies in the State of Missouri operate in the same public safety frequency band; and

WHEREAS, the majority of state agency radio users operate in that same public safety frequency band; and

WHEREAS, the State Interoperability Executive Committee, the Missouri State Highway Patrol, the Department of Public Safety, and the Office of Homeland Security have established in that same band the Missouri Tactical (MTAC) Statewide Interoperability Channel; and

WHEREAS, the State Interoperability Executive Committee has made "MTAC" available to all users in that band to establish a basic level of interoperability; and

WHEREAS, the Federal Communications Commission has established non-discipline-specific interoperability channels in several frequency bands to serve all emergency responders.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and the laws of the State of Missouri, do hereby order that all two-way radios used by agencies of the State of Missouri shall be configured, to whatever extent is technically practical, to include established interoperability channels as specified by the State Interoperability Executive Committee.

These communications channels shall be used in accordance with the operational parameters set forth in the requisite Memorandum of Understanding to the mutual aid and benefit of all users.



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 10th day of December, 2003.

A handwritten signature in cursive script, reading "Bob Holden".

Bob Holden
Governor

A handwritten signature in cursive script, reading "Matt Blunt".

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-22**

WHEREAS, the safety and security of the citizens of the State of Missouri is a primary function of state and local government, and the availability of an accurate sex offender registry, along with prompt enforcement of registration violations, enhances public safety;

WHEREAS, there are currently more than 9,000 registered sex offenders as a result of legislation that was first enacted in 1994;

WHEREAS, the ability to accurately provide sex offender registration information to concerned citizens in a timely fashion requires the coordinated effort of the Department of Corrections, Missouri State Highway Patrol, and local law enforcement;

WHEREAS, lapses in the sex registration process could lead to serious consequences for sex offense victims; and

WHEREAS, the need exists to conduct a systemic review of the sex offender registration process to increase registry accuracy, enforcement, victim access, and offender accountability;

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, hereby create and establish the Missouri Sexual Offender Registration Task Force (hereinafter referred to as the "Task Force") to study solutions for improving the sex offender registration process in Missouri.

Be it further resolved that the Task Force is assigned for administrative purposes to the Office of the Governor.

Be it further resolved that the Task Force, whose primary task will be to analyze, determine and recommend courses of action relating to the improvement of the sex offender registration process, including recommendations for statutory changes consistent with the objectives set forth in this Executive Order, shall be comprised of the following eleven (11) members:

- The Director of the Department of Corrections or an appointed designee;
- The Chair of the Parole Board or an appointed designee;
- The Director of the Department of Public Safety or an appointed designee;
- The Missouri State Highway Patrol Superintendent or an appointed designee;
- One member of the Senate from the majority party and one member of the Senate from the minority party, appointed by the President Pro Tem of the Senate;
- One member of the House of Representatives from the majority party and one member of the House of Representatives from the minority party appointed by the Speaker of the House;
- One Victim Rights advocate appointed by the Governor;
- One Prosecuting Attorney appointed by the Governor;
- One County Sheriff appointed by the Governor.

Be it further resolved that the Task Force members shall serve without compensation, except that they may be reimbursed for actual and necessary expenses incurred in the performance of their official duties for the Task Force.

Be it further resolved that the Task Force may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex. officio members.

Be it further resolved that the Task Force shall submit a report of its activities to the Governor, the President Pro-Tem of the Senate and the Speaker of the House of Representatives by May 1, 2004, Task Force members shall serve until January 1, 2005.



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 10th day of December, 2003.



Bob Holden
Governor

ATTEST:



Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-23**

WHEREAS, an effective disaster response and recovery system must have the well-being and recovery of Missouri citizens as a principal goal; and

WHEREAS, a collaborative effort by Missouri charitable and not-for-profit social service organizations and government agencies can improve the way services are provided to disaster survivors; and

WHEREAS, the Governor's Disaster Recovery Partnership -- convened to improve the coordination and delivery of services provided to survivors of the Flood of 1993 -- has confirmed that government and nongovernmental organizations can combine resources and coordinate efforts to reach disaster survivors and provide assistance that neither group could provide as effectively on its own; and

WHEREAS, the Disaster Recovery Partnership has developed an effective model for public/private collaboration to improve Missouri's disaster response and recovery systems; and

WHEREAS, recent attacks on our country coupled with the creation of an integrated Department of Homeland Security have reaffirmed the need for increased planning and training for all-hazard response(s), especially with attention to the human aspects of recovery; and

WHEREAS, recent tornadoes and flooding have seriously affected the citizens and communities of Missouri to an unprecedented degree:

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 affirm the endeavors of the Disaster Recovery Partnership and ascribe to it the additional functions of a State Citizen Council. The Disaster Recovery Partnership shall meet no less frequently than quarterly and provide a biennial report to my office, the Office of Homeland Security, and the State Emergency Management Agency.

The Disaster Recovery Partnership ("Partnership") shall be comprised of governmental and private agency representatives. To form the membership of the Partnership, I direct the state departments of Agriculture, Economic Development, Elementary and Secondary Education, Health and Senior Services, Insurance, Labor and Industrial Relations, Mental Health, Social Services, Natural Resources, Conservation, the State Emergency Management Agency, the Missouri Housing Development Commission, and the Office of Administration to designate one representative each with appropriate policy-making authority. I further agree and direct that the Office of the Governor may designate one representative from the Governor's staff to serve as a member of the Partnership. In addition, I direct the Partnership, by and through its chairs, to invite membership from a wide range of private sector organizations and agencies who by nature of their charters and mission are uniquely suited to enhance the delivery of assistance to victims of disasters. The Partnership shall be directed by two co-chairs. One co-chair shall represent the public-sector members of the Partnership and shall be appointed by the Governor. The second co-chair shall represent the private-sector members of the Partnership and shall be elected by a majority vote of such members. The Disaster Recovery Partnership shall be staffed by the State Emergency Management Agency.

The Disaster Recovery Partnership's responsibilities shall include:

- Reviewing and implementing, as appropriate, the recommendations of the original Disaster Recovery Partnership;
- Reviewing the human services disaster response and recovery delivery methods with a goal of improving service to the citizens of Missouri;
- Designing methods of more rapid collection and analysis of data on disaster victims and their needs;
- Developing a simplified intake system linked to centralized databanks to improve human services response and recovery services;
- Establishing more rapid and complete communications to disaster victims and caregivers during emergency response and recovery stages;
- Promoting, training and supporting local committees, similar to the local unmet needs committees formed during the flood of 1993, with additional attention to the establishment and representation of community Citizen Councils; and
- Functioning as a Statewide Citizen Council for the State of Missouri, with support to the Homeland Security Council on post-disaster human service issues.



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 10th day of December, 2003.

Bob Holden
Governor

ATTEST:

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-25**

WHEREAS, on November 9, 2001, I appointed members of the Missouri Homeland Security Panel, the membership of which was charged with comprehensively reviewing the State of Missouri's situation with regard to homeland security, recommending changes if necessary, and identifying federal funds with which to implement the recommended changes; and

WHEREAS, on September 11, 2002, I issued Executive Order 02-15 establishing the Missouri Security Council for the express purposes of coordinating homeland security-related activities between executive agencies and local political subdivisions and effective development and implementation of homeland security policies; and

WHEREAS, the Director of Homeland Security was charged with determining the agenda of Missouri Security Council meetings, ensuring necessary papers are prepared, recording Council actions and recommendations, serving as the principal liaison to any federal Homeland Security offices or agencies and advising the Governor on all state Homeland Security issues; and

WHEREAS, the Director of Homeland Security, in meeting his charge, did establish a Cyber Security Committee for the express purpose of studying and making recommendations to ensure the security of cyber space with respect to Missouri's critical information technology infrastructure; and

WHEREAS, cyber attacks seek to threaten public safety, individual privacy, corrupt valuable data, and disrupt the capability of public and private entities to function effectively, thereby eroding public confidence; and

WHEREAS, cyber attacks have been increasingly more frequent and disruptive and commonly recognized as a threat to Homeland Security; and

WHEREAS, CyberSecurity is the protection and defense of Cyberspace, a critical infrastructure made up of digital information that is electronically communicated. CyberSecurity encompasses the people, processes and techniques for protecting and defending cyber assets, so that they are available to authorized users and cannot be compromised or changed by unauthorized individuals; and

WHEREAS, the continued confidentiality, integrity, availability, authenticity and continuity of operation of State of Missouri information technology and information assets are an essential element of Missouri's Homeland Defense, e-government and day-to-day business capability:

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and the laws of the state of Missouri, do hereby order the following:

Section 1. Policy. It shall be the policy of the state of Missouri that each state department or agency shall work diligently to combat cyber attacks and to protect the cyber assets of the state.

- a. Each agency shall adopt policy consistent with the guidelines and model policy developed by the Cyber Security Committee of the Missouri Security Council and recommended by the Information Technology Advisory Board and establish appropriate procedures to ensure that information technology assets and information are adequately protected from cyber attacks.
- b. Each agency shall specifically address the issue of cyber security with any entity with whom it conducts business electronically to determine if they have appropriate cyber security controls in place to afford the state protection from cyber attacks initiated through those electronic business connections.

Section 2. Office of Information Technology. The Office of Information Technology (OIT) shall be the principal inter-agency forum to improve state policies and procedures with respect to cyber security. OIT, in its role as chair of the Cyber Security Committee of the Missouri Security Council and in consultation with the Information Technology Advisory Board, shall provide advice and make recommendations to the Chief Information Officer regarding appropriate government-wide measures to carry out this order. Minimally, the OIT shall:

- a. Make cyber security a high priority and treat it as a public safety issue; and
- b. Take steps to establish a centralized information security management organization capable of executing and supporting industry recognized security provisions, programs and assessments; and
- c. Ensure the state's enterprise information technology architecture has as a prominent element a security domain; and
- d. Ensure the issue of privacy is equally considered in the development of cyber security policy and procedures and formulate government-wide recommendations on privacy as appropriate and consistent with cyber security recommendations.

Section 3. Chief Information Officer. The Chief Information Officer (CIO) shall issue statewide cyber security and privacy policy consistent with recommendations put forth by the Cyber Security Committee of the Missouri Security Council and the Information Technology Advisory Board. In administering policy, the CIO shall utilize appropriate oversight mechanisms to foster agency compliance with policies issued to carry out this order.

Section 4. Alteration of Authority. This order shall not be construed to alter the existing authorities of any executive agency or department, except that all executive departments and agencies are directed to assist the Chief Information Officer in carrying out the purposes of this order.



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 10th day of December, 2003.

Bob Holden
Governor

ATTEST:

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-26**

WHEREAS, the State of Missouri recognizes the critical importance of information technology to its government, industry, and economy; and

WHEREAS, information technology has emerged as a significant business enabler for the State of Missouri; and

WHEREAS, Missouri is recognized nationally as having a progressive information technology program; and

WHEREAS, the National Association of State Chief Information Officers has testified before Congress on the merits of a federal chief information officer and recognized Missouri as the preeminent model in the nation for such a position; and

WHEREAS, the State of Missouri is the only state to have had its Chief Information Officers elected as president to lead the National Association of State Chief Information Officers twice in its 30 year history; and

WHEREAS, Missouri has benefited from the existence of an Office of Information Technology and the service of a Chief Information Officer; and

WHEREAS, the Office of Information Technology has been successful in developing strategies and policies to improve existing information technology investments and create a plan to establish an infrastructure which supports innovative government management solutions; and

WHEREAS, the Chief Information Officer has served Missouri well in addressing statewide and national issues such as e-government, homeland security, HIPAA, software piracy, justice integration, digital signature, data center consolidation and Y2K; and

WHEREAS, the Office of Information Technology and the Chief Information Officer are referenced in a variety of state statutes and Executive Orders; and

WHEREAS, there is a continuing need to incorporate information technology in state plans as high technology has made enormous contributions to the state's economic growth and competitiveness and the high technology industry is one of the most vibrant sectors of Missouri's economy and high technology extends benefits to Missouri businesses and Missouri citizens:

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and the laws of the State of Missouri, do hereby reestablish the Office of Information Technology. The Office of Information Technology shall serve as the mechanism to coordinate information technology initiatives for the state, particularly with respect to inter-agency initiatives, between executive agencies and local political subdivisions and for the effective development, coordination and adoption of information technology policies. For administrative purposes, the Office of Information Technology shall be located within the Office of Administration; and

The Office of Information Technology shall have and be directed by a Chief Information Officer. The Chief Information Officer shall serve at the will of the Governor; and

The Chief Information Officer will convene an Information Technology Advisory Board made up of the Chief Information Officers of each Executive Branch department or agency and other such members as deemed appropriate to develop recommendations and coordinate programs with information technology elements; and

The Chief Information Officer shall have authority to establish a state enterprise information technology architecture that addresses the technology environment for the State of Missouri with respect to information technology principles, governance, technology and standards; and

The Chief Information Officer shall have authority to establish state-wide policies with respect to information technology that will contribute to the effective use of information technology within the State of Missouri; and

The Chief Information Officer shall annually produce an Information Technology Strategic Plan to serve as a guide for enabling state business program efficiencies where appropriate; and

The Chief Information Officer shall annually prepare a report, the State of Information Technology in Missouri, and submit the report by December 1 of each year to the Governor, the Chief Justice of the Supreme Court and the Senate Appropriation and House Budget Chairs for consideration in the state's budget process; and

This order shall not be construed to alter the existing authorities of any executive agency or department, except that all executive departments and agencies are directed to assist the Chief Information Officer in carrying out the purposes of this order.

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 10th day of December, 2003.



ATTEST:



Bob Holden
Governor



Matt Blunt
Secretary of State