

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

ed by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

Monetary values set out in the [1992] publication of the American Fisheries Society entitled *Investigation and Valuation of Fish and Freshwater Mussel Kills (AFS Special Publication [#24] #30, 2003)* are adopted by the Conservation Commission as the standard for evaluating [losses] replacement costs of fish and mussels resulting from [fish] kills. **This publication is incorporated by reference, as published by the American Fisheries Society, 5410 Grosvenor Lane, Bethesda, MD 20814. This rule does not incorporate any subsequent amendments or additions.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 2, 1974, effective Aug. 13, 1974. Amended: Filed July 13, 1976, effective Oct. 11, 1976. Amended: Filed June 25, 1979, effective Oct. 11, 1979. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Amended: Filed April 21, 1993, effective Jan. 1, 1994. Amended: Filed Sept. 29, 2004.

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

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

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

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

PROPOSED AMENDMENT

3 CSR 10-4.110 General Prohibition; Applications. The commission proposes to add a new section (9).

PURPOSE: This amendment adds a new section (9) to prevent the irresponsible release of transgenic organisms into the wild.

(9) The release of transgenic fish or wildlife into the wild is prohibited without written authorization of the director. Transgenic fish or wildlife may be possessed and used only as authorized by 3 CSR 10-9.110.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 3—Wildlife Code: Monetary Values of Fish and Wildlife

PROPOSED AMENDMENT

3 CSR 10-3.010 Monetary Values Established for Fish and Wildlife. The commission proposes to amend section (1) and change the title of the chapter and rule.

PURPOSE: This amendment updates the monetary values of fish and adds values of mussels as a standard for evaluating losses resulting from fish and mussel kills.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporat-

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

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

PROPOSED AMENDMENT

3 CSR 10-4.111 Endangered Species. The commission proposes to amend subsection (3)(C).

PURPOSE: This amendment adds the word rattlesnake after massasauga for clarity.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(C) Reptiles: western chicken turtle, Blanding's turtle, Illinois mud turtle, yellow mud turtle, western fox snake, Mississippi green water snake, massasauga **rattlesnake**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

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

PROPOSED AMENDMENT

3 CSR 10- 4.113 Ginseng. The commission proposes to amend section (1).

PURPOSE: This amendment will prohibit the harvest of fruit-bearing ginseng plants with fewer than three (3) leaves and improve our compliance with federal regulations that prohibit export of plants less than five (5) years of age.

(1) Wild ginseng (*Panax quinquefolium*) may be harvested from September 1 through December 31. Wild ginseng plants or roots harvested must possess three (3) or more true leaves (prongs) [or flowering/fruited stalks]. The entire stalk, minus the mature fruits, shall be kept with the plants until they are taken to the harvester's home or place of business. When harvesting wild ginseng, harvesters shall plant all seeds from harvested plants within one hundred feet (100') of the parent plants. Plants or roots of wild ginseng taken in

Missouri, or acquired from outside the state, may be purchased, sold, transported or exported only from September 1 through March 15; provided, certified roots may be possessed, purchased, sold, transported or exported throughout the year in accordance with this rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 29, 1983, effective Jan. 1, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required; Exceptions. The commission proposes to change subsection (1)(F).

PURPOSE: This amendment changes wording for clarity.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(F) Any person at least six (6) but not older than fifteen (15) years of age may purchase a Youth Deer and Turkey Hunting Permit without display of a hunter education certificate card, and may take one (1) deer of either sex statewide, during the firearms deer hunting seasons except that only an antlerless deer may be taken in seasons open only to antlerless deer; one (1) male turkey or turkey with visible beard during the spring turkey hunting season; and one (1) turkey of either sex during the fall firearms turkey hunting season; provided, s/he is hunting in the immediate presence of a properly licensed adult hunter who has in his/her possession a valid hunter education certificate card, or who are hunting in the immediate presence of a resident landowner as defined in this Code on lands owned by the resident landowner, provided the resident landowner was born before January 1, 1967. Youth Deer and Turkey Hunting Permit holders, **who** attain[ing] the age of eleven (11) during the prescribed permit year[,] and [who] have a valid hunter education certificate card, may surrender unused portion(s) of the Youth Deer and Turkey Hunting Permit and purchase other firearms deer and turkey hunting permits. Deer and turkeys taken under the Youth Deer and Turkey Hunting Permit must be included in the total season limits.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable. The commission proposes to amend section (3).

PURPOSE: This amendment changes wording for consistency.

(3) The acceptance of a permit or privilege or method exemption shall constitute an acknowledgement of the duty to comply with the provisions of [the *Wildlife*] this Code and to pursue wildlife in a safe manner, and all permits and privileges are conditioned upon such compliance.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions. The commission proposes to amend section (6).

PURPOSE: This amendment provides consistency in wording with other rules to describe the age of persons not older than fifteen (15) years of age.

(6) Firearms hunting permits may not be sold to any persons born on or after January 1, 1967, unless an approved hunter education certificate card is displayed, or hunter education certification can be verified through direct access to computer data files; except that

Youth Deer and Turkey Hunting Permits may be sold to persons at least six (6) [and under sixteen (16)] but not older than fifteen (15) years of age without requiring display of a hunter education certificate card.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Aug. 26, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.430 Trout Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment removes descriptions of designated areas requiring a trout permit for fishing.

Required in addition to the prescribed fishing permit to possess and transport trout, except in areas where a daily trout fishing tag is required. Required in addition to the prescribed fishing permit for trout fishing at Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November through the second Sunday in February. (In the four trout parks, during the winter catch-and-release season specified above, all fish must be released to the water unharmed immediately after being caught, and no fish may be possessed.)] or as prescribed in 3 CSR 10-6.535(5). Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.237. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.565 Nonresident Turkey Hunting Permits. The commission proposes to amend section (1).

PURPOSE: This amendment deletes a word for consistency.

(1) To pursue, take, possess and transport wild turkey during the prescribed [open] season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.267. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits. The commission proposes to amend section (1).

PURPOSE: This amendment deletes a word for consistency.

(1) To pursue, take, possess and transport wild turkey from qualifying land during the prescribed [open] season, by nonresident landowners as defined in this Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed Sept. 29, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.410 Fishing Methods. The commission proposes to amend section (13).

PURPOSE: This amendment changes wording to clarify the meaning of the rule.

(13) Endangered species and fish included in 3 CSR 10-6.505 through 3 CSR 10-6.545, **including** their parts [or] **and** eggs, may not be used for bait.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.415 Restricted Zones. The commission proposes to amend sections (2)–(5).

PURPOSE: This amendment corrects the name of Little Piney Creek; adds giggering restrictions to Barren Fork Creek, Blue Springs Creek, Crane Creek, Mill Creek and Spring Creek; extends the giggering restriction downstream 2.7 miles on North Fork of White River; removes the giggering restriction from a section of Roubidoux Creek; and, changes wording and punctuation for consistency.

(2) Fish may be taken only by pole and line from:

(A) Blue Springs Lake, except that shad **also** may be taken by dip net [or] **and** throw net.

(D) Longview Lake, except that shad **also** may be taken by dip net and throw net.

(3) Fish may be taken by all prescribed methods except trotlines, throwlines and limb lines from:

(C) Osage River/Lake of the Ozarks from the no-fishing zone below Truman Dam to U.S. Highway 65. Snagging, snaring, grabbing and use of jug lines are also excluded in this zone.

(4) Fish may be taken by all prescribed methods except gig, crossbow and longbow on the following waters and as further restricted in subsections (5)(A), (B), (C), (D), (F), (H), (J), (K) and [(L)] (M) of this rule. Fish taken by gig, crossbow and longbow may not be possessed on these waters or the banks thereof.

(A) **Barren Fork Creek in Shannon County from County Road A-D to its confluence with Sinking Creek.**

(B) **Blue Springs Creek in Crawford County from Blue Springs to its confluence with Meramec River.**

(C) **Crane Creek in Stone and Lawrence counties upstream from Quail Spur Crossing on Stone County Road 13-195.**

[(A)](D) Current River from Montauk State Park to Cedar Grove.

[(B)](E) Eleven Point River from its confluence with Greer Spring Branch to Turner Mill.

[(C)](F) Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access.

(G) **Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch.**

[(D)](H) North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to [Blair] Patrick Bridge.

[(E)] *Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.*

(I) **Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River.**

(5) Fish may be taken by all prescribed methods except that only flies and artificial lures may be used when fishing, and soft plastic baits and natural and scented baits are specifically prohibited in:

(B) Blue Springs Creek in Crawford County from Blue Springs to its confluence with Meramec River.

(J) Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney [River] Creek including Wilkins Spring and spring branch.

(K) North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to [Blair] Patrick Bridge.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.510 Channel Catfish, Blue Catfish, Flathead Catfish. The commission proposes to amend subsections (1)(A) and (4)(A).

PURPOSE: This amendment adds hyphens for consistency.

(1) Daily Limit: Ten (10) channel catfish and blue catfish in the aggregate and five (5) flathead catfish, except:

(A) From the no-fishing zone below Truman Dam downstream throughout the no-boating zone, the daily limit of channel catfish, blue catfish and flathead catfish is four (4) in the aggregate.

(4) Length Limits: No length limits, except:

(A) From the no-fishing zone below Truman Dam downstream throughout the no-boating zone, the daily limit of channel catfish, blue catfish and flathead catfish may include only one (1) fish more than twenty-four inches (24") in total length.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.525 Paddlefish. The commission proposes to amend section (4).

PURPOSE: This amendment identifies the more restrictive length limit for paddlefish at the beginning of the rule, for public convenience and understanding.

(4) Length Limits: All paddlefish less than twenty-four inches (24") in body length, measured from the eye to the fork of the tail, must be returned to the water unharmed immediately after being caught./J, except:

(A) On Lake of the Ozarks and its tributaries, Table Rock Lake and its tributaries and Truman Lake and its tributaries, all paddlefish less than thirty-four inches (34") in body length, measured from the eye to the fork of the tail, must be returned to the water unharmed immediately after being caught.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3 —DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.533 Shovelnose Sturgeon. The commission proposes to amend section (1).

PURPOSE: This amendment prohibits the take of shovelnose sturgeon from a portion of the Missouri River.

(1) Daily Limit: Ten (10), **except on the Missouri River downstream from Carl R. Noren Access to Chamois Access where all shovelnose sturgeon must be returned to the water unharmed immediately after being caught.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 30, 2003, effective July 1, 2004. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.535 Trout. The commission proposes to amend sections (1), (2), (4) and (5).

PURPOSE: This amendment reduces the statewide daily limit for trout; changes the daily limit for trout in some streams; removes reference to amended portions of the Wildlife Code; establishes a statewide length limit on brown trout in streams; alters length limits on trout in some streams; and, expands the requirement of the trout permit for fishing in designated areas.

(1) Daily Limit: *[Five (5)]* **Four (4)** trout in the aggregate, except:
[(A) All trout must be released unharmed immediately after being caught from Barren Fork Creek in Shannon County from County Road A-D to its confluence with Sinking Creek and Crane Creek in Stone and Lawrence counties upstream from Quail Spur Crossing on Stone County Road 13-195.]

[(B)](A) On Lake Taneycomo and its tributaries *[and on the Niangua River and its tributaries,]* only one (1) brown trout may be included in the aggregate daily limit of trout.

[(C)](B) The daily limit is one (1) trout in: **Barren Fork Creek in Shannon County from County Road A-D to its confluence with Sinking Creek;** Blue Springs Creek in Crawford County from Blue Springs to its confluence with Meramec River; **Crane Creek in Stone and Lawrence counties upstream from Quail Spur Crossing on Stone County Road 13-195;** **Current River and its tributaries from Montauk State Park to Cedar Grove;** Eleven Point River in Oregon County from its confluence with Greer Spring Branch to Turner Mill; Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access; Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River; Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch; and the North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to *[Blair]* **Patrick** Bridge.

[(D)](C) The daily limit is *[three (3)]* **two (2)** trout in: Meramec River and its tributaries, except Maramec Spring Branch, in Crawford and Phelps counties from Highway 8 bridge to Scott's Ford; the unimpounded portion of the North Fork of White River and its tributaries in Ozark County from *[Blair]* **Patrick** Bridge to Norfork Lake; *[Current River and its tributaries from Montauk State Park to Cedar Grove;]* and Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line, jug line and falconry, except as further restricted in this rule.

(A) Only flies and artificial lures may be used when fishing on the waters listed in subsections *[(1)](A)* and (4)(C) and (E) of this rule, and on the Meramec River in Crawford and Phelps counties from Highway 8 bridge to Scott's Ford, on Dry Fork Creek in Crawford and Phelps counties from the elevated cable crossing to its confluence with the Meramec River, on the Current River from Montauk State Park to Cedar Grove, and on Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River. Soft plastic baits and natural and scented baits are specifically prohibited.

(4) Length Limits: No length limits, except:

(A) **All brown trout less than fifteen inches (15") in total length must be released unharmed immediately after being caught from the unimpounded portion of any stream except as further restricted in subsections (4)(B) and (C) of this rule.**

[(A)](B) All brown trout less than twenty inches (20") in total length must be released unharmed immediately after being caught from Lake Taneycomo and its tributaries.

[(B) All brown trout less than eighteen inches (18") in total length must be released unharmed immediately after being caught from the Niangua River and its tributaries.]

(C) All **brown trout and all rainbow trout** less than eighteen inches (18") in total length must be released unharmed immediately after being caught from **Barren Fork Creek in Shannon County from County Road A-D to its confluence with Sinking Creek;** Blue Springs Creek in Crawford County from Blue Springs to its confluence with Meramec River; **Crane Creek in Stone and Lawrence counties upstream from Quail Spur Crossing on Stone County Road 13-195;** **Current River and its tributaries from Montauk State Park to Cedar Grove;** Eleven Point River in Oregon County from its confluence with Greer Spring Branch to Turner Mill; Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access; Spring Creek in Phelps

County from Relfe Spring to its confluence with Big Piney River; Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch; and North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to [Blair] Patrick Bridge.

(D) All rainbow trout less than fifteen inches (15") in total length must be released unharmed immediately after being caught on the Meramec River and its tributaries in Crawford and Phelps counties from Highway 8 bridge to Scott's Ford, except Meramec Spring Branch; on the unimpounded portion of the North Fork of White River and its tributaries in Ozark County from [Blair] Patrick Bridge to Norfork Lake; [on the Current River and its tributaries from Montauk State Park to Cedar Grove;] and on the Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.

(5) Permits: A trout permit, in addition to the prescribed fishing permit, is required to possess and transport trout except in areas where a daily fishing tag is required. A trout permit is required in addition to the prescribed fishing permit for fishing at:

(A) Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November through the second Sunday in February.

(B) Stone Mill Spring Branch in Pulaski County from November 1 through February 28.

(C) Lake Taneycomo from the closed fishing zone seven hundred sixty feet (760') below Table Rock Dam downstream to the Highway 65 bridge.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.605 Live Bait. The commission proposes to amend section (1).

PURPOSE: This amendment ensures appropriate conservation measures for amphibians by restricting the species and number that can be taken and used as live bait.

(1) Daily Limit: In the aggregate, one hundred fifty (150) crayfish, freshwater shrimp, [frogs (except bullfrogs and green frogs), tiger salamander larvae] and those species of fish not defined as

game fish in 3 CSR 10-20.805[.]; and five (5) each of the following amphibians: southern leopard frog, plains leopard frog, and cricket frog. [except that b/Bighead carp, common carp, goldfish, grass carp and silver carp may be taken and possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.610 Mussels and Clams. The commission proposes to amend section (1).

PURPOSE: This amendment clarifies the meaning of the rule and makes it consistent with other rules.

(1) Daily Limit: Five (5) in the aggregate. Limits apply to live [or] and dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel or clam. Asiatic clams may be taken and possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.615 Bullfrogs and Green Frogs. The commission proposes to add a new section (4).

PURPOSE: This amendment allows bullfrogs and green frogs to be used as bait if taken under season limits and methods.

(4) Bullfrogs and green frogs taken and possessed under this rule may be used as bait.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 24, 2000, effective March 1, 2001. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.410 Hunting Methods. The commission proposes to amend subsections (1)(D), (E), (G) and (J).

PURPOSE: This amendment changes formatting to add clarity to the rule.

(1) Wildlife may be hunted and taken only in accordance with the following:

(D) Dogs. Dogs may be used during the prescribed open seasons to chase, pursue or take wildlife (except deer, turkey, mink, muskrat, beaver and river otter). All dogs used to hunt, chase or pursue wildlife shall wear a collar while hunting that contains the full name and address or complete telephone number of the owner, except this provision does not apply to dogs used by waterfowl and game bird hunters. Furbearers, squirrels and rabbits may not be chased, pursued or taken with dogs during daylight hours of the November portion of the firearms deer season in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(E) Dogs (Training). For training dogs, wildlife[,/] (except deer, turkey, mink, muskrat, river otter and beaver)[,/] may be chased, but not captured or killed. No person, acting singly or as one (1) of a group, may possess or use a firearm while training dogs during the closed seasons, except that a pistol with blank ammunition may be used during daylight hours only. Training dogs shall include any act of allowing dogs to chase wildlife or to teach dogs to hunt wildlife.

(G) Firearms. Firearms may be used to take wildlife (except beaver, mink, muskrat, river otter, turtles and fish)[,/] during the open seasons, with the following limitations: For hunting game birds (except the crow), pistols, revolvers and rifles may not be used. Except for hunting deer, any shotgun having a capacity of more than

three (3) shells must have the magazine cut off or plugged with a device incapable of removal through the loading end, so as to reduce the capacity to not more than three (3) shells in magazine and chamber combined. Fully automatic firearms are prohibited.

(J) Slingshot. Slingshots may be used to take wildlife (except deer and turkey[s/]) during the prescribed hunting seasons.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.427 Groundhogs: Seasons, Limits. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment reconciles this rule with 3 CSR 10-10.768 Sales and Possession of Wildlife Parts and Mounted Specimens, which was liberalized to allow the year-round sale of legally obtained groundhog pelts.

Groundhogs (woodchucks) may be taken, possessed and sold in any numbers from the day following the prescribed spring turkey hunting season through December 15. **Groundhog pelts may be possessed and sold throughout the year in accordance with 3 CSR 10-10.768.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 23, 1970, effective Dec. 31, 1970. Amended: Filed July 5, 1984, effective Jan. 1, 1985. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions. The commission proposes to amend sections (1) and (2).

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

(1) The annual *Fall Deer & Turkey Hunting Regulations and Information* booklet is hereby adopted as a part of this [Wildlife] Code and by this reference herein incorporated. A printed copy of this booklet can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is on-line at www.missouriconservation.org.

(2) Deer shall mean white-tailed deer and mule deer. Antlered deer shall mean deer with at least one (1) antler at least three inches (3") long, except as provided in 3 CSR 10-7.435. Deer may be pursued, taken, killed, possessed or transported only as permitted in [the Wildlife] this Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed, April 29, 2004 effective May 15, 2004. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. The commission proposes to amend subsections (1)(A) and (D) and section (5).

PURPOSE: This amendment changes wording to make it consistent with other rules.

(1) Turkeys may be pursued, taken, killed, possessed or transported only as permitted in this rule.

(A) Spring Season. Spring season annually will begin on the Monday closest to April 21. A person possessing the prescribed turkey hunting permit may take turkeys according to the season length and bag limit established annually by the Conservation Commission; except that a person at least six (6) [and under sixteen (16)] but not older than fifteen (15) years of age who possesses a Youth Deer and Turkey Hunting Permit may take only one (1) male turkey or turkey with visible beard during the season.

Turkeys may be taken only by shotgun with shot no larger than No. 4, or longbow, without the use of dogs, bait, recorded calls or live decoys, from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(D) Youth Spring Season. The two (2)-day [Y]youth [S]spring [S]season will begin annually on the Saturday nine (9) days prior to the Monday opening of the [S]spring [S]season. A Missouri resident possessing a Youth Deer and Turkey Hunting Permit or the prescribed turkey hunting permit and who is at least six (6) [and under sixteen (16)] but not older than fifteen (15) years of age on the opening day of the [Y]youth [S]spring [S]season may take only one (1) male turkey or turkey with visible beard during the [Y]youth [S]spring [S]season. A turkey harvested during the [Y]youth [S]spring [S]season will count towards an individual's [S]spring [S]season bag limit; individuals hunting under the prescribed turkey hunting permit may not harvest a second bird during the first week of the [S]spring [S]season. Turkeys may be taken only by shotgun with shot no larger than No. 4, or longbow, without the use of dogs, bait, recorded calls or live decoys, from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(5) A resident landowner or lessee as defined in 3 CSR 10-20.805, possessing a landowner turkey hunting permit, may take and possess turkey in accordance with this rule on his/her land or, in the case of the lessee, on the [farm] land on which s/he resides and shall personally deliver the turkey for checking or use the Telecheck Harvest Reporting System as required in this rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

PROPOSED AMENDMENT

3 CSR 10-8.510 Use of Traps. The commission proposes to amend section (2).

PURPOSE: This amendment clarifies when traps must be checked.

(2) Traps, snares and cable restraint devices shall be plainly labeled, on durable material, with the user's full name and address. [Wildlife shall be removed or released from all restraining traps and cable restraint devices daily.] Killer (Conibear-type) traps set under water and colony traps set under water shall be attended and wildlife removed at least once every forty-eight (48) hours. **All other traps, snares and cable restraint devices must be attended daily**

and wildlife removed or released. Traps may not be set in paths made or used by persons or domestic animals and Conibear-type traps may not be set along public roadways, except under water in permanent waters. Except as provided in 3 CSR 10-4.130, only cage-type traps or foot-enclosing-type traps may be set within one hundred fifty feet (150') of any resident or occupied building located within the established boundaries of cities or towns containing ten thousand (10,000) or more inhabitants. Homes, dens or nests of furbearers shall not be molested or destroyed. Traps may be used in conjunction with electronic calls.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 20, 1957, effective Dec. 31, 1957. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods
PROPOSED AMENDMENT

3 CSR 10-8.515 Furbearers: Trapping Seasons. The commission proposes to amend sections (3), (5) and (8).

PURPOSE: This amendment deletes redundancy and makes language uniform with other parts of the Wildlife Code.

(3) Except in Otter Management Zone E, killer or Conibear-type traps with a jaw spread less than eight inches (8") and foot-hold traps with an inside width at the jaw post less than six inches (6") are prohibited in water sets after February 15. In Otter Management Zone E, killer or Conibear-type traps with a jaw spread less than eight inches (8") and foot-hold traps with an inside width at the jaw post less than six inches (6") are prohibited for trapping beavers after February 20. Traps may not be placed or set before November 15 and must be removed by midnight of the last day of the trapping season.

(5) Rabbits may be taken by trap from November 20 [to] through January 20 within prescribed hunting limits, but carcasses may not be sold.

(8) Furbearers may be taken by trapping through the use of cable restraint devices from December 15 through February 15, by holders of a Cable Restraint Permit. This permit may be issued only to the holder of a Resident Trapping Permit who has successfully completed a cable restraint training course, validated by a certified instructor. [Cable restraint devices (as defined in 3 CSR 10-20.805) must have a loop size of twelve inches (12") diameter or smaller when set, and the bottom of set restraint cable loop must be at least six inches (6") or greater above the ground. Cable restraint devices must be anchored solid or staked in a location not allowing entanglement (such as

rooted, woody vegetation greater than one-half inch (1/2") in diameter), and shall not be capable of extending to within twelve inches (12") of a fence, nor shall be set using a drag, or used with a kill-pole. Cable restraint devices may not be used within one hundred fifty feet (150') of any dwelling or a driveway leading to a dwelling. All cable restraint devices shall be plainly labeled, on durable material, with the user's full name and address and shall be attended daily.] Cable restraint devices must be used according to 3 CSR 10-8.510.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 23, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

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

PROPOSED AMENDMENT

3 CSR 10-9.105 General Provisions. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

Any person holding wildlife in captivity in any manner shall have in his/her possession the prescribed permit or evidence of exemption. Renewal of permits is conditioned on compliance with provisions of [the Wildlife] this Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 1, 1994. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Sept. 29, 2004.

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

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

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

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

PROPOSED AMENDMENT

3 CSR 10-9.220 Wildlife Confinement Standards. The commission proposes to amend section (2).

PURPOSE: This amendment replaces the term “woodchuck” with the common name of “groundhog.”

(2) Cages, pens or other enclosures for Class I wildlife shall meet the following standards:

Species	Enclosure Space (sq. ft.)	Space Per Each Additional Animal (sq. ft.)	Enclosure Height (ft.)
(I) Groundhog	12	3	5
<i>[(I)] (J) Mink</i>	9	3	2
<i>[(J)] (K) Muskrat</i>	12	5	3
<i>[(K)] (L) Nine-Banded Armadillo</i>	12	4	2
<i>[(L)] (M) Otter</i>	36	6	4
<i>[(M)] (N) Raccoon</i>	24	6	5
<i>[(N)] (O) Red Fox</i>	40	8	5
<i>[(O)] (P) Virginia Opossum</i>	12	3	3
<i>[(P)] (Q) Weasel</i>	9	3	2
<i>[(Q)] (R) White-Tailed Deer</i>	500	125	8
<i>[(R)] Woodchuck</i>	12	3	5]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-3.020. Original rule filed Nov. 2, 1984, effective Feb. 11, 1985. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

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

PROPOSED AMENDMENT

3 CSR 10-9.240 Class II Wildlife. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment makes the language in this rule more consistent with common usage.

Class II wildlife shall include copperheads [snakes], cottonmouths [snakes], timber rattlesnakes, pygmy rattlesnakes, massasauga rat-

lesnakes, mountain lions or mountain lion-hybrids, wolves or wolf-hybrids and black bears or black bear-hybrids.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 6, 1993, effective Jan. 31, 1994. Amended: Filed June 5, 1996, effective Dec. 30, 1996. Amended: Filed Sept. 29, 2004.

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

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

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

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

PROPOSED AMENDMENT

3 CSR 10-9.425 Wildlife Collector’s Permit. The commission proposes to amend sections (2) and (3).

PURPOSE: This amendment adds a word for clarity and changes reference to the Wildlife Code for consistency.

(2) General Requirements for Permit Holders. Species and numbers of each to be collected and collecting methods are limited to those specified on the permit. Advance notification shall be given to the conservation agent or regional supervisor in the county or area as to where and when the collecting will be done. The permit holder’s name, address and wildlife collector’s permit number shall be on all trapping and netting devices. The traps, nets or other devices used under this permit shall be attended at least daily, or be constantly attended if so stated on the permit. The collected specimens shall be donated to a museum or educational institution or disposed of in accordance with instructions of the director. Wildlife held under a wildlife collector’s permit may be propagated but shall not be sold or exhibited commercially. When holding live specimens, permit holders are required to adhere to wildlife confinement standards set forth in 3 CSR 10-9.220. The names and addresses of persons collecting under the direct supervision of the holder of the permit shall accompany the application for the permit. Field collection must be conducted under the in-person supervision of the permit holder. This permit does not relieve the holder of full compliance with other provisions of the Code or other state and federal requirements.

(3) The wildlife collector’s permit is not valid until signed by the permit holder. The permit is valid for one (1) year from January 1. The permit holder shall submit a wildlife collector’s permit report to the department within thirty (30) days of the permit’s expiration date. Issuance of permits for the following year shall be conditioned on compliance with [Wildlife Code rules and regulations] **this Code**, specified conditions of the permit and receipt of a satisfactory wildlife collector’s permit report. Department volunteers, working on authorized wildlife collection projects, are exempt from the requirements of this section.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16,

1973, effective Dec. 31, 1973. Amended: Filed Aug. 4, 1978, effective Jan. 1, 1979. Changed to 3 CSR 10-9.425, filed March 24, 1993 and May 13, 1993, effective Jan. 1, 1994. Amended: Filed May 9, 2002, effective Jan. 1, 2003. Amended: Filed Sept. 29, 2004.

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

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

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

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

PROPOSED AMENDMENT

3 CSR 10-9.440 Resident Falconry Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment corrects wording.

To take, and possess alive, birds of prey and to use birds of prey to take other wildlife. Fee: sixty dollars (\$60). This permit[s] shall remain valid for three (3) years from date of issuance.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.295. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. Amended: Filed Aug. 3, 1984, effective Jan. 1, 1985. Changed to 3 CSR 10-9.440, effective Jan. 1, 1994. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Sept. 29, 2004.

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

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

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

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

PROPOSED AMENDMENT

3 CSR 10-9.566 Licensed Hunting Preserve: Records Required. The commission proposes to amend sections (1) and (2).

PURPOSE: This amendment changes wording to make the language consistent throughout the rule.

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

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

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Emergency rule filed March 11, 2002, effective March 21, 2002, expired Sept. 16, 2002. Original rule filed March 11, 2002, effective July 30, 2002. Amended: Filed Aug. 30, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004.

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

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

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

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

PROPOSED AMENDMENT

3 CSR 10-9.570 Hound Running Area Operator and Dealer Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment rearranges wording for clarity.

To maintain and operate a hound running area and to purchase, transport, propagate, hold in captivity and sell to or release **legally acquired foxes and coyotes** into a permitted hound running area [legally acquired foxes and coyotes]. Fee: fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180,

Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-9.575 Hound Running Area: Privileges, Requirements. The commission proposes to amend sections (2), (3) and (6).

PURPOSE: This amendment requires new hound running areas to be at least forty (40) acres in size; allows operators to hold foxes and coyotes in temporary confinement facilities on the hound running area or another location listed on the permit; and restores permit exemptions that were inadvertently omitted.

(2) A hound running area shall be a single body of land as specified on the permit, fenced to enclose and contain all released foxes and coyotes and to exclude all others, and posted with signs provided by the department. **New areas approved after March 1, 2005 must be at least forty (40) acres in size.** A minimum of one (1) dog-proof escape area (culvert, brush pile, fenced refuge or other suitable structure) shall be provided per each twenty-five (25) acres, and be available for use by foxes and coyotes any time dogs are present on the area. Escape areas shall not be located immediately adjacent to each other.

(3) The holder of a Hound Running Area Operator and Dealer Permit may obtain live foxes and coyotes from a holder of a valid trapping permit as prescribed in 3 CSR 10-8.515(7). Permittees may also purchase foxes and coyotes from a holder of a Class I Wildlife Breeder Permit or a holder of a Hound Running Area Operator and Dealer Permit. **Foxes and coyotes may be held in temporary confinement facilities on the hound running area or another location specified on the permit.** These foxes and coyotes may only be released into a permitted hound running area and must be individually marked with ear tags provided by the department for which the permittee shall pay fifty cents (50¢) per tag. These animals may not be given away, released to the wild or exported, except with written authorization of the director.

(6) Any person releasing dogs on a hound running area shall have in his/her possession a valid **Missouri** small game hunting permit[,], **except that Missouri residents fifteen (15) years of age and under and sixty-five (65) years of age and over are exempt from this requirement.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180,

Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-9.625 Field Trial Permit. The commission proposes to amend sections (1) and (6).

PURPOSE: This amendment changes wording for clarity.

(1) To conduct a field trial on lands other than those owned or leased by the department, application for a permit must be made to the department by a resident, and postmarked not less than ten (10) days prior to the trial. The application shall specify location of trial headquarters in Missouri, area where the trial will be held, type of wildlife to be chased or pursued, approximate number of hunters, approximate number of dogs and starting and closing dates[, extending through]. **A single trial permit shall not cover** a period of [not] more than ten (10) consecutive days [for any single trial permit]. Fee: twenty dollars (\$20).

(6) Designated [gunners] shooters, under the field trial permit, may shoot only **legally obtained** quail, pheasants, chukars and mallard ducks [legally obtained]. Quail, pheasants and chukars shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked with a permanent avian leg band, removal of the hind toe from the right foot, or tattooing of a readily discernible number or letter or combination on the web of one foot.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.705 Commercialization. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

Wildlife may be bought, sold, offered for sale, exchanged, transported or delivered only under the conditions of the prescribed permit, or as otherwise provided in this chapter. No affidavit, receipt or other document may be issued or used in lieu of the required permit. Any permit issued or obtained by false statement or through fraud, or while permits are revoked or denied by the commission, shall be invalid. Renewal of permits is conditioned on compliance with provisions of *[the Wildlife] this Code*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.725 Commercial Fishing: Seasons, Methods. The commission proposes to amend sections (5), (6) and (7).

PURPOSE: This amendment lists species for clarity.

(5) From November 1 through May 15 on the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River or banks thereof, *[shovelnose sturgeon less than twenty-four inches (24") and more than thirty inches (30") in length (measured from tip of snout to fork of tail) and other game fish (including channel, blue and flathead catfish and paddlefish)] the following* may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught./::

(A) Game fish (including channel, blue and flathead catfish and paddlefish).

(B) Shovelnose sturgeon less than twenty-four inches (24") and more than thirty inches (30") in length (measured from tip of snout to fork of tail).

(6) On that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, *[channel, blue and flathead catfish less than fifteen inches (15") in total length and other game fish (including paddlefish and shovelnose sturgeon)] the following* may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught./::

(A) Channel, blue and flathead catfish less than fifteen inches (15") in total length.

(B) Other game fish (including paddlefish and shovelnose sturgeon).

(7) On the Mississippi River, except in Sand Chute below the mouth of Salt River in Pike County, and also on waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line, *[channel, blue and flathead catfish less than fifteen inches (15") in total length, paddlefish less than twenty-four inches (24") in length (measured from eye to fork of tail), shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail), and other game fish] the following* may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught./::

(A) Channel, blue and flathead catfish less than fifteen inches (15") in total length.

(B) Paddlefish less than twenty-four inches (24") in length (measured from eye to fork of tail).

(C) Shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail).

(D) Other game fish.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 29, 2004.

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

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

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

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.732 Tag and Release Fishing Promotion Permit. The commission proposes to amend subsection (2)(G).

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

(2) A tag and release fishing promotion permit authorizes the holder to tag and release one (1) fish into an impoundment of the state, in accordance with the following:

(G) There shall be no fee, registration or other consideration beyond a valid Missouri fishing permit as required by *[the Wildlife] this Code* to enter or participate in the event.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed March 24, 2003, effective Aug. 30, 2003. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.120 Pets and Hunting Dogs. The commission proposes to amend section (2).

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

(2) Hunting dogs may be used off the leash and unconfined for hunting and for training for the purposes of chasing, locating, tracking or retrieving game as defined by [the Wildlife] this Code, on those department areas where and when hunting and dog training are permitted.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept 30, 2001. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.125 Field Trials. The commission proposes to amend section (4).

PURPOSE: This amendment makes the rule consistent with the Department of Conservation's field trial policy.

(4) Designated [gunners] shooters, under the field trial special use permit, may shoot only legally obtained quail, pheasants, chukars

and mallard ducks [legally obtained and marked with a permanent avian leg band prior to release]. Quail, pheasants and chukars shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked with a permanent avian leg band, removal of the hind toe from the right foot, or tattooing of a readily discernible number or letter or combination on the web of one (1) foot.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.145 Tree Stands. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies use of tree stands on department areas.

Only portable tree stands are allowed and only from September [15] 1 through January 31. Unattended [S]stands must be [identified] plainly labeled on a durable material with the full name and address, or Conservation Number, of the owner and be removed from the area before February 1. Use of nails [or], screw-in steps, and any material or method that would damage the tree is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.150 Target Shooting and Shooting Ranges. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment establishes hours of use at the department's unmanned shooting ranges.

Target shooting is permitted [only] on designated public shooting ranges or by special use permit. **Shooting hours on unmanned ranges are one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.** Range use shall be in accordance with posted range rules or as directed by the range officer listed on the special use permit, and is contingent upon the right to inspect permits, firearms and ammunition by an agent of the department or certified law enforcement officer. Only paper targets attached to provided target holders may be used on unmanned target shooting ranges, except that on portions of shooting ranges restricted to shotguns with shotshells, only clay targets may be used. Use of incendiary, including tracer ammunition, armor piercing or explosive ammunition is prohibited. Fully automatic firearms are permitted only with a special use permit. Range use fees are required at some areas. Possession of alcoholic beverages is prohibited on all ranges and associated parking lots. Groups of more than ten (10) people must obtain a special use permit prior to use of a range.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed June 5, 2002, effective Nov. 30, 2002. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.155 Decoys and Blinds. The commission proposes to amend subsection (1)(A).

PURPOSE: This amendment corrects punctuation.

(1) Decoys and blinds are permitted but must be disassembled and removed daily, except as otherwise provided in this chapter. Blinds may be constructed on-site only from willows (*Salicaceae*) and non-woody vegetation.

(A) On those portions of Upper Mississippi Conservation Area designated as restricted waterfowl hunting areas, blind sites shall be

designated and allotted through a system of registration and drawing established by the department. Blinds must be constructed within ten (10) yards of an assigned site before October 1 and meet department specifications. Waterfowl may be taken only from a designated blind except that hunters may retrieve dead birds and pursue and shoot downed cripples[.]. This rule does not apply during the early teal season. On portions of the area designated as open, blinds may be constructed without site restrictions. Blinds or blind sites on both restricted and open portions of the area may not be locked, transferred, rented or sold. Boats shall not be left overnight at blind sites. After 6:00 a.m., unoccupied blinds may be used by the first hunter to arrive.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.186 Waterfowl Hunting. The commission proposes to amend sections (2), (3), (4), (6) and delete section (8) and renumber the remaining sections of this rule.

PURPOSE: This amendment modifies provisions for waterfowl hunting on listed department areas.

(2) Waterfowl hunting is prohibited on the following department areas:

[(D) Lone Jack Lake Conservation Area]

(3) Waterfowl hunting is prohibited after 1:00 p.m. on designated portions of the following department areas:

(L) Lone Jack Lake Conservation Area
[/L](M) Long Branch Lake Management Lands
[/M](N) Nodaway Valley Conservation Area
[/N](O) Otter Slough Conservation Area
[/O](P) James A. Reed Memorial Wildlife Area
[/P](Q) Pony Express Conservation Area
[/Q](R) Schell-Osage Conservation Area
[/R](S) Ted Shanks Conservation Area
[/S](T) Ten Mile Pond Conservation Area
[/T](U) Yellow Creek Conservation Area

(4) Waterfowl may be taken on the department areas listed below only by holders of a valid area Daily Waterfowl Hunting Tag and only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples outside the designated area. Waterfowl hunters must check out immediately after

the close of their hunting trip and prior to processing birds by accurate completion and return of the Daily Waterfowl Hunting Tag to designated locations. These department areas are closed to waterfowl hunting on December 25. Only authorized persons are allowed within the waterfowl shooting areas during the waterfowl hunting season. Portions of these department areas may be open to fishing during all or part of the waterfowl season.

(G) Four Rivers Conservation Area (Designated waterfowl hunting areas of Units 1 and 2)

- [G]/(H) Grand Pass Conservation Area
- [H]/(I) B. K. Leach Memorial Conservation Area
- [I]/(J) Marais Temps Clair Conservation Area
- [J]/(K) Montrose Conservation Area
- [K]/(L) Nodaway Valley Conservation Area
- [L]/(M) Otter Slough Conservation Area
- [M]/(N) Schell-Osage Conservation Area
- [N]/(O) Ted Shanks Conservation Area
- [O]/(P) Ten Mile Pond Conservation Area

(6) On Settle's Ford Conservation Area and Four Rivers Conservation Area Units 3 and 4, waterfowl hunters must preregister and check out daily at designated hunter record boxes prior to and immediately after completing the hunt. *[Nonhunters are prohibited within the waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.]*

[[8] On Four Rivers Conservation Area, in designated waterfowl hunting areas, waterfowl hunters must register before hunting and check out daily at area headquarters. On the remaining portions of the area, waterfowl hunters must register before hunting at designated hunter record boxes and check out immediately after completion of the hunt. In designated waterfowl hunting areas, hunting is closed on December 25. Nonhunters are prohibited within the designated waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.]

[[9] (8) On James A. Reed Memorial Wildlife Area, waterfowl may be hunted by reservation only by holders of a valid area daily hunting tag on designated days and only in designated areas, except that hunters may retrieve dead birds and shoot downed cripples outside designated areas.

[[10] (9) On Marais Temps Clair Conservation Area, waterfowl hunting is permitted only on Friday, Saturday, Sunday and Monday and only until 1:00 p.m. during the prescribed duck and Canada goose seasons, except the area is open daily from sunrise to sunset for teal hunting during the early season.

[[11] (10) On August A. Busch Memorial Conservation Area and Charles W. Green Conservation Area, waterfowl may be hunted only during managed waterfowl hunts.

[[12] (11) On Blind Pony Lake Conservation Area, waterfowl may be hunted only in designated areas and only during the regular waterfowl hunting seasons.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002, effective June 30, 2003. Amended: Filed April 30, 2004, effective Aug. 30, 2004. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.187 Trapping. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment changes reference to the Wildlife Code for consistency.

Trapping on department areas is allowed only with a special use permit issued by the area manager. Trappers must comply with Chapter 8 of *[the Wildlife]* this Code.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to amend subsections (3)(B) and (8)(A).

PURPOSE: This amendment alters the date of catch-and-release fishing season on Coot Lake; opens designated lakes and ponds on two (2) conservation areas to the seining or trapping of live bait; and, removes tadpoles and frogs from the list of live bait that can be taken.

(3) On James A. Reed Memorial Wildlife Area:

(B) On Coot Lake, from November 1 through *[February 19] January 31*, only flies and artificial lures may be used and fish must be returned to the water unharmed immediately after being caught.

(8) Seining or trapping live bait, including tadpoles, is prohibited on all lakes and ponds, and on streams and the discharge channels of impoundments on Mule Shoe Conservation Area, except as otherwise provided in this chapter.

(A) Seining or trapping live bait, *[including tadpoles,]* **excluding all frogs and tadpoles**, in compliance with 3 CSR 10-6.605 is permitted on designated lakes and ponds on the following department areas:

1. Atlanta Conservation Area
2. Bob Brown Conservation Area
3. Fountain Grove Conservation Area
4. Grand Pass Conservation Area
5. Long Branch Lake Management Lands
- 6. Locust Creek Conservation Area**
- [6.]7.* Nodaway Valley Conservation Area
- 8. Rebel's Cove Conservation Area**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002, effective June 30, 2003. Amended: Filed May 9, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.210 Fishing, Daily and Possession Limits. The commission proposes to amend sections (2) and (9), add a new section (4) and renumber sections accordingly.

PURPOSE: This amendment reduces the daily limit for black bass on J.N. "Turkey" Kearn Memorial Wildlife Area lakes; raises the daily limit on black bass at Fox Valley Lake; adds a restriction on two (2) lakes prohibiting fishing for any species after possessing a daily limit of trout; corrects reference to the new statewide daily limit; and, removes a date restriction.

(2) The daily limit for black bass shall be two (2) on the following department areas or individually named lakes:

- (I) J. N. "Turkey" Kearn Memorial Wildlife Area**
[(I)] (J) Lake Paho Conservation Area
[(J)] (K) Lone Jack Lake Conservation Area
[(K)] (L) Maple Leaf Lake Conservation Area
[(L)] (M) Port Hudson Lake Conservation Area
[(M)] (N) James A. Reed Memorial Wildlife Area
[(N)] (O) Schell Lake (Schell-Osage Conservation Area)
[(O)] (P) Weldon Spring Conservation Area

(4) On Fox Valley Lake (Fox Valley Lake Conservation Area), the daily and possession limit for black bass is twelve (12) in the aggregate.

[(4)] (5) On Bellefontaine Conservation Area, Hazel Hill Lake and Schell-Osage Conservation Area, the daily limit for crappie shall be fifteen (15).

[(5)] (6) The daily limit for white bass, striped bass and their hybrids in the aggregate shall be four (4) on the following department areas or individually named lakes:

- (A) August A. Busch Memorial Conservation Area
- (B) Harmony Mission Lake (Harmony Mission Conservation Area)
- (C) Perry County Community Lake
- (D) James A. Reed Memorial Wildlife Area

[(6)] (7) At Tobacco Hills Lake (Guy B. Park Conservation Area) and August A. Busch Memorial Conservation Area, the daily limit for bluegill and other sunfish shall be ten (10) in the aggregate.

[(7)] (8) On Bushwhacker Lake (Bushwhacker Conservation Area), the daily limit for bluegill and other sunfish shall be fifteen (15) in the aggregate.

[(8)] (9) On Duck Creek Conservation Area, statewide limits shall apply for other fish as designated in 3 CSR 10-6.550.

[(9)] (10) On August A. Busch Memorial Conservation Area:

(A) On Lakes 21 and 28, trout must be returned to the water unharmed immediately after being caught from November 1 through January 31. Trout may not be possessed on these waters during this season. **No person shall continue to fish for any species after having four (4) trout in possession from February 1 through October 31.**

(B) On Lakes 22, 23 and 24, no person shall continue to fish for any species after having *[five (5)]* **four (4)** trout in possession *[from November 1 through January 31]*.

[(10)] (11) On Bellefontaine Conservation Area, Port Hudson Lake Conservation Area and James A. Reed Memorial Wildlife Area, the daily limit for other fish as designated in 3 CSR 10-6.550 shall be ten (10) in the aggregate.

[(11)] (12) On Jerry J. Presley Conservation Education Center, except as otherwise provided on the special use permit, fish must be returned to the water unharmed immediately after being caught.

[(12)] (13) On Lake 12 (August A. Busch Memorial Conservation Area) and Lost Valley Fish Hatchery, the daily limit for all fish shall be two (2) in the aggregate. On Lost Valley Fish Hatchery, no person shall continue to fish for any species after having two (2) fish in possession.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002, effective June 30, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to amend subsections (2)(B) and (2)(E) and add a new subsection (2)(F).

PURPOSE: This amendment establishes a fifteen inch (15") minimum length limit on black bass on J. N. "Turkey" Kearn Memorial Wildlife Area and Otter Slough Conservation Area; establishes a fourteen to eighteen inch (14"-18") protected length range on black bass on LaBelle Lake Conservation Area; and, removes the length limit on black bass on Fox Valley Lake.

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Amarugia Highlands Conservation Area
2. Atkinson Lake (Schell-Osage Conservation Area)
3. Baltimore Bend Conservation Area
4. Bilby Ranch Lake Conservation Area
5. Binder Community Lake
6. Buffalo Bill Lake (Pony Express Lake Conservation Area)
7. August A. Busch Memorial Conservation Area (except Lakes

33 and 35)

8. Che-Ru Lake (Fountain Grove Conservation Area)
9. Jerry P. Combs Lake (Little River Conservation Area)
10. Deer Ridge Lake (Deer Ridge Conservation Area)
11. General Watkins Conservation Area
12. Jamesport Community Lake
- 13. J. N. "Turkey" Kearn Memorial Wildlife Area**
- [13.] **14. Limpp Community Lake**
- [14.] **15. Lone Jack Lake Conservation Area**
- [15.] **16. Maple Leaf Lake Conservation Area**
- [16.] **17. Nodaway County Community Lake**
- 18. Otter Slough Conservation Area**
- [17.] **19. Perry County Community Lake**
- [18.] **20. Pony Express Lake (Pony Express Lake Conservation**

Area)

- [19.] **21. Ray County Community Lake**
- [20.] **22. James A. Reed Memorial Wildlife Area**
- [21.] **23. Rinquelin Trail Community Lake**
- [22.] **24. Schell Lake (Schell-Osage Conservation Area)**
- [23.] **25. Ted Shanks Conservation Area**
- [24.] **26. Tobacco Hills Lake (Guy B. Park Conservation Area)**
- [25.] **27. Union Ridge Lake (Union Ridge Conservation Area)**
- [26.] **28. Vandalia Community Lake**
- [27.] **29. Weldon Spring Conservation Area**
- [28.] **30. Worth County Community Lake**

(E) On Hazel Hill Lake and LaBelle Lake Conservation Area, black bass more than fourteen inches (14") but less than eighteen

inches (18") total length must be returned to the water unharmed immediately after being caught.

(F) On Fox Valley Lake (Fox Valley Lake Conservation Area), there is no length limit on black bass.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Sept. 29, 2004.

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

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.109 Closed Hours. The commission proposes to amend section (1).

PURPOSE: This amendment establishes closed hours for uses other than fishing and other conservation-related recreation at Brookfield City Lake, Marceline City Lake and Old Marceline City Reservoir.

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter.

- (B) Brookfield City Lake**
[(B)](C) Empire District Electric Company (Ozark Beach Recreation Area)
[(C)](D) Department of Mental Health (Marshall Habilitation Center Lake)
[(D)](E) Green City Lake
[(E)](F) Higbee (City Waterworks Lake)
[(F)](G) Kirksville (Hazel Creek Lake)
[(G)](H) Lancaster (New City Lake, Paul Bloch Memorial Pond)
[(H)](I) LaPlata City Lake
(J) Marceline (Marceline City Lake, Old Marceline City Reservoir)
[(I)](K) Memphis (Lake Showme)
[(J)](L) Milan (Elmwood Lake)
[(K)](M) Monroe City (Route J Reservoir)
[(L)](N) Rockaway Beach Access
[(M)](O) Springfield City Utilities (Fellows Lake, Lake Springfield, Tailwaters Access)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 1, 2001, effective Oct. 30, 2001. Amended: Filed Sept. 29, 2004.

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

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

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

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to amend sections (3) and (7).

PURPOSE: This amendment will permit the harvest of certain nongame fish by gig, longbow or crossbow on Memphis (Lake Showme); and prohibits the use of natural and scented baits at Jefferson City (McKay Park Lake) during the winter catch-and-release trout fishing season.

(3) Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following lakes:

(K) Memphis (Lake Showme)

[(K)] (L) St. Louis County (Sunfish Lake)

[(L)] (M) Thousand Hills State Park (Forest Lake)

[(M)] (N) Unionville (Lake Mahoney)

[(N)] (O) Wakonda State Park lakes

(7) Only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 through January 31 on the following lakes:

(C) Jefferson City (McKay Park Lake)

[(C)] (D) Kirkwood (Walker Lake)

[(D)] (E) Overland (Wild Acres Park Lake)

[(E)] (F) St. Louis City (Jefferson Lake)

[(F)] (G) St. Louis County (Tilles Park Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 29, 2004.

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

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

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

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.150 Fishing, Trout Parks. The commission proposes to amend subsections (1)(B) and (C).

PURPOSE: This amendment reduces the daily limit for trout in the four (4) trout parks.

(1) On Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park:

(B) Trout fishing is permitted from March 1 through October 31. The daily limit is [five (5)] **four (4)** trout, and no person shall continue to fish for any species after having [five (5)] **four (4)** trout in possession. Fishing in the designated trout waters is permitted only by holders of a signed valid area daily trout fishing tag.

(C) On a designated portion of Montauk State Park and Roaring River State Park, catch and release trout fishing only is permitted from March 1 through October 31. Only flies may be used, and trout must be returned to the water unharmed immediately after being caught. Trout may not be possessed in these designated areas, and no person with [five (5)] **four (4)** trout already in possession may fish there.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Sept. 29, 2004.

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

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

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

Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—[Vocational and Adult Education]
Division of Career Education
Chapter 100—Adult Education

PROPOSED RULE

5 CSR 60-100.050 Family Literacy Program

PURPOSE: The Department of Elementary and Secondary Education has the responsibility to establish and fund family literacy programs in school districts declared unaccredited or provisionally accredited by the State Board of Education.

(1) School districts declared unaccredited or provisionally accredited by the State Board of Education (board) may apply for funds to establish and operate a family literacy program. Annually, applications are solicited from eligible school districts which shall be due as of a date and in a form established by the Department of Elementary and Secondary Education (DESE).

(2) The amount to be distributed to establish and fund family literacy programs shall be one and one-half percent (1.5%) of the line 14 distribution. The board determines the appropriation for the program which will be allocated for the purpose authorized and the manner in which the amount will be distributed to eligible school

districts. The distribution of family literacy funds will be based on two (2) allocations.

(A) The base allocation will be based on the previous fiscal year's September membership count.

(B) A separate allocation will be established annually to distribute the remaining funds on a per-pupil basis. The per-pupil rate will be calculated from the total remaining funds divided by the previous fiscal year's total student membership count from the eligible school districts. Each applicant's allocation will be based on the previous fiscal year's total district student membership count multiplied by the per-pupil rate.

(3) School districts may apply for a continuation grant, once declared accredited by the board. The continuation grant may be made available for up to two (2) years, contingent upon available funding. However, priority will be given to funding for school districts declared unaccredited or provisionally accredited.

(4) Applications for family literacy grants submitted by eligible school districts, to be approvable, must demonstrate that the programs are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families. The applicants shall provide family literacy programs and services that include:

(A) Interactive literacy activities between parents and their children;

(B) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

(C) Parent literacy training that leads to high school completion and economic self-sufficiency; and

(D) An age-appropriate education to prepare children of all ages for success in school.

(5) Programs shall be evaluated annually by DESE using the Missouri Family Literacy Indicators of Program Quality and Standards of Performance. To ensure delivery of quality programming and services, family literacy programs must:

(A) Establish an advisory council of community stakeholders to assist in planning and coordination;

(B) Be coordinated with other literacy programs in the school district and community;

(C) Be focused on school buildings not meeting student performance goals; and

(D) Provide staff training and professional development.

(6) Recipients of grants shall obligate grant funds only during the period which begins on the date DESE approves an application and ends on the following June 30. Obligations are considered to have been incurred as follows: for equipment and supplies, when the recipient makes a binding commitment to acquire the equipment and supplies, usually by issuing a purchase order; and for personal services, when the services are performed. All obligations for the purchase of equipment must be incurred by March 31 of the grant period and liquidated by June 30. Any funds not properly obligated for approvable project costs are refundable to DESE.

(7) Each school district receiving a grant under the appropriation shall provide DESE, as part of its statutory independent audit or other independent audit, a report of the results of the audit performed in accordance with DESE's general policy on audits.

AUTHORITY: sections 160.531 and 161.092, RSMo Supp. 2004. Original rule filed Sept. 22, 2004.

PUBLIC COST: This proposed rule is estimated to cost the state of Missouri \$5,609,330 for Fiscal Year 2005. Annual cost subject to appropriation total for Line 14. The recurring cost is dependent on the total Line 14 appropriation.

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

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

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 – Department of Elementary and Secondary Education

Division: 60 – Division of Career Education

Chapter: 100 – Family Literacy Program

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 60-100.050 Family Literacy Program

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State of Missouri	\$5,609,330 for FY 2005. Annual cost subject to appropriation total for Line 14 defined in Section 163.031, RSMo.

III. WORKSHEET

The current public cost of this rule for the State of Missouri is five million six hundred nine thousand three hundred thirty dollars (\$5,609,330) for FY 2005. Section 160.531.2, RSMo, specifies that one and one-half percent of the total Line 14 appropriation will be allocated for family literacy programs. Line 14 is defined in Section 163.031, RSMo, and the FY 2005 appropriation is \$373,955,326. The required allocation for family literacy programs is five million six hundred nine thousand three hundred thirty dollars (\$5,609,330) for FY 2005 (\$373,955,326 times 1.5%). The recurring cost is dependent on the total Line 14 appropriation. The projected cost to public school districts is zero.

IV. ASSUMPTIONS

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

PROPOSED AMENDMENT

5 CSR 80-800.200 Application for Certificate of License to Teach. The State Board of Education is amending sections (1), (2), (3), (4), (6) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements in the Compendium of Missouri Certification Requirements.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a doctoral degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendment or additions.**

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (*the* board), accompanied by the appropriate fee and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102-0480 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the [*Missouri*] Highway Patrol and/or FBI.

[*B*] *For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.*

(4) [*The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.*] **The applicant shall submit verification**

of certification or licensure directly to DESE including information regarding any disciplinary action from each state or United States' territory regulatory entity in which a professional license, including a certificate of license to teach, is held or has been held.

(6) An applicant for a Missouri certificate of license to teach who possesses a valid certificate of license to teach from another state and who possesses good moral character may be granted a Missouri certificate of license to teach. The applicant shall submit the application on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the [*Missouri State*] Highway Patrol and/or the FBI and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the [*Missouri State*] Highway Patrol and/or FBI.

[*B*] *For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.*

AUTHORITY: sections 168.011, 168.405 and 168.409, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. [2003] 2004. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

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

PROPOSED AMENDMENT

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators. The State Board of Education is amending the Purpose, sections (1), (3), (6), (7), (9), amending and renumbering sections (11), (12), (13), (14), (15), (23), deleting sections (10), (16)-(22) and amending the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for administrators in the Compendium of Missouri Certification Requirements.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates.

This rule outlines the procedures for application for a certificate of license to teach for school administrators including superintendent, principal, [advanced principal,] special education administrator and [vocational director] career education director.

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) An applicant for an administrator may be granted an administrator certificate of license to teach in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the State Board of Education ([the] board), to an individual who possess good moral character. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

(B) Principal, grades K-8; grades 5-9; and/or grades [9] 7-12;

[(C)] Advanced principal, grades K-8; grades 5-9; and/or grades 9-12;

[(D)](C) Special education administrator, grades K-12; and/or

[(E)](D) [Vocational] Career education director.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the [Missouri] Highway Patrol and/or FBI.

[(B)] *For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]*

(6) The applicant must achieve a score equal to or in excess of the qualifying score on the [exit] **building-level administrator's** assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(7) *[The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.]* **The applicant shall submit verification of certification or licensure directly to DESE including information regarding any disciplinary action from each state or United States' territory regulatory entity in which a professional license, including a certificate of license to teach, is held or has ever been held.**

(8) The applicant for an **initial** administrator certificate of license to teach as a superintendent must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official from a state-approved educational specialist or advanced degree program for the preparation of superintendents; *[and]*

(B) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE[.]; **and**

(C) The applicant must verify a minimum of one (1) year's administrative experience.

(9) The applicant for an **initial** administrator certificate of license to teach as a principal must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved master's in educational [administration] **leadership** or higher level program for the preparation of principals;

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the [exit] **building-level administrator's** assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

[(10)] *The applicant for an administrator certificate of license to teach as an advanced principal must comply with the following additional criteria:*

(A) *The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters in educational administration or higher level program for the preparation of principals;*

(B) *The applicant shall complete a planned program of at least thirty (30) semester hours of graduate credit culminating in an educational specialist or doctoral degree with a major emphasis in educational administration from a state-approved program for the preparation of principals;*

(C) *The applicant must possess two (2) years of teaching experience; and*

(D) *The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.]*

[(11)](10) The applicant for an **initial** administrator certificate of license to teach as a special education administrator must comply with the following additional criteria:

(A) The applicant must possess a master's degree or higher from a state-approved program in educational [administration, special education or a related field] **leadership;**

(B) The applicant must possess or be eligible to possess a certificate of license to teach in an area of special education **or student services;**

(C) The applicant must possess two (2) years of teaching experience **in special education or student services;**

(D) *[The applicant shall submit an official transcript showing completion of nine (9) semester hours of graduate course work in special education, with two (2) of the nine (9) semester hours focused on special education administration]* **Obtain a recommendation for certification from the designated official of a college/university approved by DESE; and**

(E) The applicant must achieve a score equal to or in excess of the qualifying score on the [exit] **building-level administrator's** assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

[(12)](11) The applicant for an **initial** administrator certificate of license to teach as a [vocational] **career education** director must comply with the following additional criteria:

(A) The applicant must possess a master's degree or higher **in educational leadership, or in a certifiable area recognized in**

Missouri, from a [state-approved] college or university meeting approval of DESE;

(B) [The applicant must possess a valid Missouri certificate of license to teach in the content area of secondary education, vocational-technical and/or student services] The applicant must possess a baccalaureate degree from a four (4)-year college/university; [and]

(C) The applicant must possess [two (2) years of full-time teaching experience at the grade seven (7)-adult level, as approved by DESE or two (2) years of full-time experience at grade seven (7)-adult level other than teaching.] a minimum of two (2) years teaching experience at grades seven (7) or higher approved by DESE or, for the postsecondary career education director a combination of two (2) years of teaching experience at grades seven (7) or higher and/or two (2) years of full-time experience at workforce development (adult education or customized training, et al.) in an educational setting; and

(D) Successful completion of the building-level administrator's assessment designated by the board (only required for secondary career education directors).

[(13)](12) An applicant for a Missouri administrator certificate of license to teach who possesses a valid administrator certificate of license to teach from another state and possesses good moral character may be granted a Missouri administrator certificate of license to teach. The applicant shall submit the application on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Highway Patrol and/or the FBI and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

[(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

[(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.

[(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(A) The applicant is responsible for submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI and the payment of any fees required by the Highway Patrol and/or FBI.

[(14)](13) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

[(15)](14) An initial administrator certificate of license to teach may be issued [for a principal] for a period of [five (5)] four (4) years and may be renewed [once for an additional five (5) years. The requirements for renewal are as follows:] as set forth in the compendium.

[(A) Written request for renewal of the certificate of license to teach;

[(B) Submission of an official transcript showing fifteen (15) graduate semester hours toward a two (2)-year graduate program culminating in an educational specialist or doctoral degree with a major emphasis in educational adminis-

tration from a state-approved program for the preparation of principals; and

[(C) Submission of a letter from the designated certification official at a state-approved college or university that the individual has completed the fifteen (15) hours toward their educational specialist or doctoral degree with a major emphasis in educational administration.]

(16) An administrator certificate of license to teach may be issued for an advanced principal and/or superintendent for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach; and

(B) Documentation of five (5) years experience in school administration during the previous ten (10) years.

(17) If a superintendent or advanced principal seeks to renew an administrator certificate of license to teach, however, the individual has not been employed as a school administrator for five (5) years of the previous ten (10) years, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing six (6) graduate semester hours appropriate for administrators from a state-approved college or university or documentation verifying a professional development plan equivalent to six (6) graduate semester hours as approved by DESE.

(18) An administrator certificate of license to teach may be issued for a special education administrator for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach; and

(B) Documentation of five (5) or more years of experience as a special education administrator during the previous ten (10) years.

(19) If a special education administrator seeks to renew their administrator certificate of license to teach, however, the individual has not been employed as a special education administrator for five (5) years in the previous ten (10) years, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing six (6) graduate semester hours appropriate for administrators from a state-approved college or university.

(20) An administrator certificate of license to teach may be issued for a vocational director for a period of five (5) years and may be renewed for an additional five (5) years. The requirements for renewal are as follows:

(A) Completion of a planned program of graduate credit focused upon general and vocational administration from a state-approved college or university to prepare vocational school administrators. The planned program shall include a minimum of fifteen (15) hours of approved graduate credit, which meet the competencies identified for the certificate of license to teach;

(B) Achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE;

(C) Confirmed attendance at three (3) vocational education conferences;

(D) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least thirty (30) clock hours; and

(E) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(21) A ten (10)-year administrator certificate of license to teach as a vocational director may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Confirmed attendance at eight (8) vocational education conferences;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(C) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(D) Evidence of six (6) graduate semester hours toward an advanced degree from a state-approved college or university.

(22) The ten (10)-year administrator certificate of license to teach as a vocational director may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school administration during the previous ten (10) years;

(B) Confirmed attendance at eight (8) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(D) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of one of the following:

1. An advanced degree; or

2. A Professional Development Agreement approved by the assistant commissioner of Vocational and Adult Education that includes graduate courses and/or professional development activities equivalent to nine (9) semester hours of graduate credit.]

[(23)](15) The holder of an administrator certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an administrator certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an administrator certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2003 and 168.011, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

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

PROPOSED AMENDMENT

5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach. The State Board of Education is amending the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment updates the certification requirements in the *Compendium of Missouri Certification Requirements*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

AUTHORITY: sections 168.011, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

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

PROPOSED AMENDMENT

5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach. The State Board of Education is amending sections (2), (3), (7), (9), (14) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference, adding new sections (9) and (12), and renumbering sections (9)-(14).

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for career education temporary authorization certificates in the Compendium of Missouri Certification Requirements.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) Applications for a Missouri temporary authorization certificate shall be submitted on the forms provided by the State Board of Education (*the* board) and may be obtained by writing the Educator Certification Section at the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102-0480 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI), and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the *[Missouri]* Highway Patrol and/or FBI.

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(7) The applicant for a temporary authorization certificate (excluding a temporary authorization administrator's **and/or career education** certificate) must comply with the following criteria:

(D) If this is the applicant's initial certificate of license to teach, documentation of a plan of study based upon required certification competencies incorporated in classes provided by an accredited college or university. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from DESE based on the requirements set forth in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule must be submitted. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

(9) The applicant for a temporary authorization career education certificate must comply with the following criteria:

(A) Verification of one (1) of the following:

1. Possession of a baccalaureate or higher degree from an accredited college or university in the subject area being taught

and four thousand (4,000) hours of DESE-approved, related occupational experience obtained within the most recent ten (10) years;

2. Possession of an associate's degree from an accredited college or university in the subject area being taught and five thousand (5,000) hours of DESE-approved, related occupational experience obtained within the most recent ten (10) years;

3. Six thousand (6,000) hours of DESE-approved, related occupational experience obtained within the most recent ten (10) years; or

4. For the area of Junior Reserve Officer Training Corps (ROTC), a notarized letter from the appropriate branch of the armed services indicating that the applicant is an approved Junior ROTC instructor.

[(9)](10) The temporary authorization certificate (excluding a temporary authorization administrator's **and/or career education** certificate) is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(B) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(C) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school;

(D) Taking both the Praxis II assessments, one (1) content knowledge or specialty area assessment and two (2) principles of learning and teaching for the specific grade levels as promulgated by the rules adopted by the board if this is the certificate holder's first renewal. An individual who currently possesses a professional certificate of license to teach will be exempted from taking the principles of learning and teaching;

1. Failure to achieve the Missouri qualifying score on either of these assessments shall be used by the certificate holder and a teacher preparation program to identify priority classes for further study; and

(E) Completion of nine (9) semester hours of course work toward the professional certificate of license to teach in the area of assignment based upon the requirements set forth in the *[Compendium of Missouri Certification Requirements (compendium)]* which is incorporated by reference and made a part of this rule.

[(10)](11) The temporary authorization administrator's certificate is valid for up to one (1) school year and may only be renewed annually for four (4) subsequent years. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district upon demonstration of the following:

(A) Continued contracted employment as an administrator with a Missouri public school district or accredited nonpublic school;

(B) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(C) Completion of nine (9) semester hours of course work toward the administrator's certificate of license to teach. The appropriate hours will be determined by the state-approved program for the preparation of an administrator's certificate of license to teach.

(12) The temporary authorization career education certificate is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(B) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(C) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(D) Completion of nine (9) semester hours of course work toward the career education certificate of license to teach in the area of assignment based upon the requirements set forth in the compendium.

[(11)](13) The applicant shall be informed in writing of the decision regarding the application for a temporary authorization certificate.

[(12)](14) An individual may qualify for a professional classification certificate of license to teach *[(excluding an administrator's certificate)]* upon documentation of the following:

(A) The certificate holder has been teaching under a temporary authorization certificate of license to teach for a minimum of three (3) years;

(B) Achievement of the Missouri qualifying score on both the Praxis II assessments, one (1) content knowledge or specialty area assessment and two (2) principles of learning and teaching for the specific grade levels as promulgated by the rules adopted by the board;

(C) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(D) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(E) Documentation of key course work in education as listed below:

1. Course work in education not to exceed twenty-four (24) credit hours for any temporary authorization certificate (excluding an administrator's and/or special education temporary certificate) to include competencies in:

- A. Psychology of the Exceptional Child;
- B. Behavioral Management Techniques;
- C. Measurement and Evaluation;
- D. Teaching Methods/Instructional Strategies;
- E. Methods of Teaching Reading at the appropriate level;
- F. Developmental Psychology at the appropriate level; and
- G. Beginning Teacher Assistance; or

2. Course work in education not to exceed twenty-nine (29) credit hours for a special education temporary authorization certificate to include competencies in:

- A. Psychology of the Exceptional Child;
- B. Behavioral Management Techniques or Supporting Challenging Behavior;
- C. Evaluation of Abilities and Achievement (to include Intelligence Testing);
- D. Introduction to Teaching Students in one of the following areas:

- (I) Cross-Categorical Disabilities; or
- (II) Severely Developmentally Disabled;

E. Methods of Teaching Students in one of the following areas:

- (I) Cross-Categorical Disabilities; or
- (II) Severely Developmentally Disabled;
- F. Methods of Teaching Reading:
 - (I) Reading Methods; and
 - (II) Analysis and Correction of Reading Disabilities;
- G. Methods of Teaching Mathematics:
 - (I) Mathematics Methods; and
 - (II) Methods of Teaching Remedial Mathematics;

H. Counseling Techniques or Collaboration with Family, School and Community;

I. Selection and use of assistive technology such as augmentative communication systems (only for the Severely Developmentally Disabled certificate of license to teach);

J. Alternative formats for communication including: nonverbal communication systems (only for the Severely Developmentally Disabled certificate of license to teach); and

K. Speech and Language Development of the Exceptional Child (only for the Severely Developmentally Disabled certificate of license to teach).

[(13)](15) The holder of a temporary authorization certificate shall ensure that DESE has their current legal name and address.

(A) A holder of temporary authorization certificate whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a temporary authorization certificate whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

[(14)](16) All Missouri public school districts are required to disclose the certification status of teachers holding a temporary authorization certificate by public notice in a form established by the board and consistent with applicable state laws and regulations.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.083, RSMo Supp. 2003 and 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April, 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 80—Teacher Quality and Urban Education Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.270 Application for a [Vocational-Technical] Career Education Certificate of License to Teach. The State Board of Education is amending the title, Purpose, sections (1), (3), (5), (6), (7), (8), (9), (10), (11) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for career education in the Compendium of Missouri Certification Requirements.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates.

This rule outlines the procedures for application for a [vocational-technical] career education certificate of license to teach.

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) An applicant for a Missouri [vocational-technical] **career education** certificate of license to teach who possesses good moral character, the appropriate professional/technical skills and the appropriate educator course work may be granted a Missouri [vocational-technical] **career education** certificate of license to teach.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the [Missouri] Highway Patrol and/or FBI.

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(5) The applicant must comply with the specific requirements for the various [vocational-technical] **career education** certificates of license to teach as set forth in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

(6) If the applicant seeks a [vocational-technical] **career education** certificate of license to teach from DESE in an area which Missouri currently issues a professional license or certification, the applicant must possess a valid, unencumbered, undisciplined professional license or certificate from the professional licensing entity within Missouri.

(7) *[The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.] The applicant shall submit verification of certification or licensure directly to DESE including information regarding any disciplinary action from each state or United States' territory regulatory entity in which a professional license, including a certificate of license to teach, is held or has ever been held.*

(8) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a [vocational-technical] **career education** certificate of license to teach.

(9) The holder of a [vocational-technical] **career education** certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a [vocational-technical] **career education** certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a [vocational-technical] **career education** certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

(10) The following [vocational-technical] **career education** certificates of license to teach may be issued and renewed as set forth in the compendium:

(A) [Vocational I] **Initial career education** valid for [two (2)] **four (4)** years; and

(B) [Vocational II valid for (five (5) years.)] **Career continuous career education.**

(11) When an individual's [vocational-technical] **career education** certificate of license to teach has expired for thirty (30) days, the individual must meet current requirements as set forth in the compendium.

AUTHORITY: sections 168.011, RSMo 2000 and 161.092, 168.021, 168.071 and 168.081, RSMo [Supp. 2003] Supp. 2004. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

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

PROPOSED AMENDMENT

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach. The State Board of Education is amending sections (3), (4), (5) and deleting sections (6) and (8)-(11).

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the application process for an Adult Education and Literacy certificate in the Compendium of Missouri Certification Requirements.

PUBLISHER'S NOTE: The secretary of state has determined that

the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the [Missouri] Highway Patrol and/or FBI.

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the adult education section of DESE.]

(4) [The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.] **The applicant shall submit verification of certification or licensure directly to DESE including information regarding any disciplinary action from each state or United States' territory regulatory entity in which a professional license, including a certificate of license to teach, is held or has ever been held.**

(5) [An] **The following AEL professional classification [(1 AEL-I)]** certificates of license to teach may be issued and renewed [an unlimited number of times. The AEL-I is valid for three (3) years to individuals meeting the following additional requirements:] as set forth in the **Compendium of Missouri Certification Requirements (compendium)** which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. **This rule does not incorporate any subsequent amendments or additions:**

(A) [Possession of a baccalaureate degree from an accredited college or university; and] **Initial AEL valid for four (4) years; and**

(B) [Successful completion of the AEL Beginning Teacher Workshop (BTW)] **Career Continuous AEL.**

[(6) The effective date for the AEL certificate of license to teach is July 1 when the application or renewal is received in the fiscal year, July 1 to June 30.]

[(7)](6) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for an AEL certificate of license to teach.

[(8) An AEL-I certificate of license to teach may be issued for a period of three (3) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Successful completion of the AEL Intermediate Teacher Workshop (ITW) following the BTW;

(B) Successful completion of two (2) of the three (3) AEL Experience Teacher Workshops (ETW) following the ITW; and

(C) Successful completion of one (1) in-service per year, approved by the adult education section of DESE.

(9) An AEL-II certificate of license to teach may be issued and renewed an unlimited number of times. The AEL-II is valid for ten (10) years to individuals meeting the following additional requirements:

(A) Possession of a valid AEL-I;

(B) Completion of six (6) years AEL teaching experience; and

(C) Completion of twelve (12) semester hours relating to adult education and literacy. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a master's or higher degree.

(10) An AEL-II certificate of license to teach may be renewed an unlimited number of times by individuals meeting the following requirements:

(A) Successful completion of seven (7) of ten (10) annual AEL ETWs; and

(B) Successful completion of one (1) in-service per year, approved by the adult education section of DESE.

(11) The holder of an AEL certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an AEL certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an AEL certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.]

[(12)] (7) When an individual's AEL certificate of license to teach has expired for [sixty (60)] **thirty (30)** days, the individual must meet current requirements as set forth in the [Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] **compendium.**

AUTHORITY: sections 168.011, RSMo 2000, and 161.092, 168.021, 168.071 and 168.081, RSMo [Supp. 2003] **Supp. 2004.** Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

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

PROPOSED AMENDMENT

5 CSR 80-800.350 Certificate of License to Teach Content Areas. The State Board of Education is amending subsections (2)(C), (2)(D), (2)(F), (2)(H), (2)(J), Appendix A and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and changes the requirements for content area certificates in the *Compendium of Missouri Certification Requirements*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows[:]. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

(C) Middle school education, grades 5–9 with at least one (1) area of certification in the following areas:

1. Agricultural education;
2. Business education;
- [3. *Family and consumer sciences;*]
- [4.]3. Industrial technology;
- [5.]4. Language arts;
- [6.]5. Mathematics;
- [7.]6. Science;
- [8.]7. Social science; and/or
- [9.]8. Speech/theatre;

(D) Secondary education, grades 9–12 in the following areas:

1. Agricultural education;
2. Art;
3. Business education;
4. English;
- [5. *Family and consumer sciences;*]
- [6.]5. Health;
- [7.]6. Industrial technology;
- [8.]7. Journalism;
- [9.]8. Mathematics;
- [10.]9. Physical education;
- [11.]10. Science: biology;
- [12.]11. Science: chemistry;
- [13.]12. Science: earth science;
- [14.]13. Science: general science;
- [15.]14. Science: physics;
- [16.]15. Social science;
- [17.]16. Speech/theatre;
- [18.]17. Unified science: biology;
- [19.]18. Unified science: chemistry;
- [20.]19. Unified science: earth science; and/or

[21.]20. Unified science: physics; [and/or]

[22. *Vocational family and consumer science;*]

(F) Other certificates of license to teach may be issued in one (1) or more of the following areas:

1. Art, grades K–12;
2. Dance, grades K–12;
3. Family and consumer sciences, birth–grade 12 [*effective September 1, 2004*];
4. Foreign language, grades K–12;
5. Health, grades K–12;
6. Instrumental music, grades K–12;
7. Library media specialist, grades K–12;
8. Physical education, grades K–12 or grades K–9; and/or
9. Vocal music, grades K–12;

(G) Other certification areas may be added to a certificate of license to teach except for [*vocational-technical*] **career education**, adult education and literacy, temporary authorization and/or substitute certificates of license to teach in one (1) or more of the following areas:

1. Art, grades K–9;
2. Driver education, grades 9–12;
3. English for speakers of other languages, grades K–12;
4. Family resource specialist, birth–grade 3;
5. Foreign language, grades K–9;
6. Gifted education, grades K–12;
7. Health, grades K–9; and/or
8. Special reading, grades K–12;

(H) Administrator certificates of license to teach may be issued in one (1) or more of the following areas:

1. Superintendent, grades K–12;
2. Principal, grades K–8, grades 5–9, and/or grades [9–12] 7–12;
- [3. *Advanced principal, grades K–8, grades 5–9, and/or grades 9–12;*]

[4.]3. Special education administrator, grades K–12; and/or

[5.]4. [*Vocational school*] **Career education** director, **secondary or postsecondary;**

(J) [*Vocational-technical*] **Career education** certificates of license to teach may be issued in one (1) or more of the following areas (see Appendix A which is included herein):

1. Agriculture **education;**
2. Business **education;**
3. Family and consumer sciences **education;**
4. Health sciences;
5. Junior Reserve Officers Training Corps (ROTC);
6. Marketing [*and cooperative*] education; [*and/or*]
7. **Special needs; and/or**
- [7.]8. Trade and industrial [*(T&I)*] **education;**

**Appendix A—[Vocational-Technical] Career Education
Certificates**

Agricultural Education

Agricultural Business
Agricultural Education
Agricultural Mechanics
Agricultural Processing
Agricultural Production
Agricultural Resources
Agricultural Services/Supplies
Forestry
Horticulture

Business Education

[Accounting
Computer Programming/Network Administration
General Office and Information Processing
Vocational Business Education

Vocational Business Education with Coop]
Career Business Education**Family and Consumer Sciences Education**

Apparel and Textiles
 Dietetic Services
 Food Production, Management and Related Services
 Housing and Home Environments
 Human Development/Adult Development and Aging
 Human Development/Child Care
[Vocational Family and Consumer Sciences, Other]
Career Family and Consumer Sciences

Health Sciences

Dental Assistant *
 Dental Hygienist *
 Dental Laboratory Technician
 Diagnostic Medical Sonography Technician *
 Emergency Medical Technology/Technician *
 Funeral Service and Mortuary Science *
 Health Aide (Health Services Assistant) *
*[Health Occupations Coop *]*
 Health Professions and Related Sciences, Other
 Health Unit Coordinator/Ward Clerk
 Licensed Practical Nursing (LPN Training) *
 Massage Therapy *
 Medical Assistant *
[Medical Health Services, Other]
 Medical Laboratory Assistant *
 Medical Laboratory Technician *
 Medical Radiologic Technology/Technician *
 Medical Record Technology/Technician
 (Health Information Technology) *
 Medical Transcription *
 Nursing Assistant/Aide *
 Nursing, Other *
 Occupational Therapy Assistant *
 Pharmacy Technician/Assistant *
 Physical Therapy Assistant *
 Registered Nursing (RN Training) *
 Respiratory Therapy Technician *
 Sign Language Interpreter *
 Surgical/Operating Room Technology *

Marketing [and Cooperative] Education

*[Cooperative Vocational Education
 Marketing Education]* **Marketing**

Trade and Industrial Education

Aircraft Mechanic/Technician, Airframe *
 Aircraft Mechanic/Technician, Powerplant *
[Applied Mathematics, General]
 Architectural Engineering Technology/Technician
 Auto/Automotive Body Repairer
 Auto/Automotive Mechanic/Technician
 Automotive Engineering Technology/Technician
 Aviation Systems and Avionics Maintenance
 Technologist/Technician *
 Biomedical Engineering-Related Technology/Technician
 Building/Property Maintenance and Manager
 Cabinet Maker and Millworker
 Carpenter
 Chemical Technology/Technical
 Civil Engineering/Civil Technology/Technician
[Civil/Structural Drafting]
 Commercial Photography
 Communications Systems Installer and Repairer
[Communications Technology]

Computer Installer and Repairer
 Computer Maintenance Technology/Technician
 Construction and Building Finishers and Managers, Other
 Construction Equipment Operator
 Construction Trades, Other
 Construction/Building Technology/Technician
 Cosmetic Services, Other
 Cosmetologist *
 Culinary Arts
[Desktop Publishing Equipment Operator]
 Diesel Engine Mechanic and Repairer
 Drafting, General
[Drafting, Other]
 Drycleaner and Launderer (Commercial)
[Educational/Instructional Media Technology/Technician]
 Electrical and Electronics Equipment Installer and Repairer,
 General
 Electrical and Electronics Equipment Installer and Repairer, Other
 Electrical and Power Transmission Installer, General
 Electrical, Electronic and Communications Engineering
 Technology/Technician
 Electrician
 Electromechanical Technology/Technician
[English Technical and Business Writing]
 Fire Protection and Safety Technology/Technician
 Fire Science/Firefighting
 Food and Beverage/Restaurant Operations Manager
 Graphic and Printing Equipment Operator, General
 Graphic and Printing Equipment Operator, Other
 Graphic Design, Commercial Art and Illustration
 Heating, Air Conditioning and Refrigeration Mechanic and
 Repairer
 Heavy Equipment Maintenance and Repairer
 Industrial Design
 Industrial Electronics Installer and Repairer
 Industrial Equipment Maintenance and Repairer, Other
 Industrial Machinery Maintenance and Repairer
 Industrial Production Technologies/Technicians, Other
 Industrial Technology/Technician
 Instrumentation Technology/Technician
 Ironworking/Ironworker
 Laser and Optical Technology/Technician
 Law Enforcement/Police Science
 Machinist/Machine Technologist
 Major Appliance Installer and Repairer
 Manufacturing Technology
 Marine Maintenance and Ship Repairer
 Mason and Tile Setter
 Mechanical Engineering/Mechanical Technology/Technician
 Motorcycle Mechanic and Repairer

Nuclear Engineering Technology/Technician

Occupational Safety and Health Technology/Technician
 Painter and Wall Coverer
 Pipefitting/Pipefitter and Sprinkler Fitter
 Plumbing Technology/Plumber
 Quality Control Technology/Technician
 Radio and Television Broadcasting Technology/Technician
 Robotics Technology/Technician
 Sheet Metal Worker
 Small Engine Mechanic and Repairer
[Tool and Die Maker/Technologist]
[Trade and Industrial Internship]
 Truck, Bus and Other Commercial Vehicle Operator
 Upholsterer
 Vehicle and Mobile Equipment Mechanics and Repairer, Other
 Water Quality and Wastewater Treatment Technology/Technician
 Welder/Welding Technologist
 * Requires Professional Licensing

AUTHORITY: sections 168.011 and 168.405, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo [Supp. 2003] Supp. 2004. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

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

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach Classifications. The State Board of Education is amending sections (1), (2), (15), (18), (19) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for educators in the *Compendium of Missouri Certification Requirements*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

(2) Effective dates for initial certificates of license to teach, except for substitutes [and adult education and literacy] certificates of license to teach, are as follows:

(15) Administrator certificates of license to teach may be issued to an individual [for five (5) or ten (10) years] and [may be] renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

(18) [Vocational-technical] **Career education** certificates of license to teach may be issued to an individual [for two (2) or five (5) years] and [may be] renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

(19) Adult education and literacy certificates of license to teach may be issued to an individual [for three (3) or ten (10) years] and [may be] renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

AUTHORITY: sections 168.011, 168.128, 168.405 and 168.409, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo [Supp. 2003] Supp. 2004. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 25, 2001, effective June 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

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

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The State Board of Education is amending subsection (1)(A), section (2), Appendix A and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the required assessment for professional certification in the *Compendium of Missouri Certification Requirements*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate. An exemption exists if the applicant holds a valid certificate of license to teach from another state.

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

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

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

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

B. Successfully complete the applicable certification requirements as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. **Anyone interested in viewing or requesting a copy of the compendium (revised September 2004) may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.**

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

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

B. Successfully complete the applicable certification requirements for middle school education, grades five through nine (5-9), as set forth in the compendium.

(2) Applicants seeking a certificate of license to teach in a *[vocational-technical]* **career education** area, adult education and literacy, substitute and/or temporary authorization certificate of license to teach may not be required to take an exit assessment prior to the issuance of the certificate of license to teach.

APPENDIX A
ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

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

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
Early Childhood Education, Birth–Grade 3	/10020/20021	Early Childhood Education
Early Childhood Special Education, Birth–Grade 3	10690	Special Education: Preschool/Early Childhood
Elementary Education, Grades 1–6	10011	Elementary Education: Curriculum, Instruction, and Assessment
Middle School Education, Grades 5–9	—	—
Language Arts	10049	MS English-Language Arts: Content Knowledge
Mathematics	20069	MS Mathematics: Content Knowledge
Science	10439	MS Science: Content Knowledge
Social Science	20089	MS Social Studies: Content Knowledge
Other Middle School Subject Areas	30523	Principles of Learning and Teaching, Grades 5–9
Secondary Education, Grades 9–12 (except as noted)	—	—
Agriculture	10700	Agriculture
Art K–12, 9–12	10133	Art: Content Knowledge
Business Education	10100	Business Education
English	10041	English Language, Literature and Composition: Content Knowledge
Family and Consumer Science ^{/1/} <i>[Vocational and Non-Vocational]</i>	10120	Family and Consumer Science
Foreign Language: K–12		
French K–12	20173	French: Content Knowledge
German K–12	20181	German: Content Knowledge
Spanish K–12	10191	Spanish: Content Knowledge
Health K–12, 9–12	20550	Health Education
Industrial Technology	10050	Technology Education
Library Media Specialist, K–12	10310	Library Media Specialist
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	Mathematics: Content Knowledge
Music: Instrumental, Vocal K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
General Science	10435	General Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
Special Education, K–12		
Blind and Partially Sighted ^{/2/1}	10280	Teaching Students with Visual Impairments
Deaf and Hearing Impaired ^{/2/1}	10271	Education of Deaf and Hard of Hearing Students
Mild-Moderate Disabilities: Learning Disabled, Behavioral Disordered, Mentally Handicapped, or Physical and Other Health Impairments ^{/2/1}	20353	Education of Exceptional Students: Core Content Knowledge
Mild-Moderate Cross-Categorical Disabilities	20353 and 10542	Education of Exceptional Students: Core Content Knowledge Education of Exceptional Students: Mild to Moderate Disabilities
Severely Developmentally Disabled ^{/2/1}	20353 and 10544	Education of Exceptional Students: Core Content Knowledge Education of Exceptional Students: Severe to Profound Disabilities
Speech/Theatre	10220	Speech Communication
Speech and Language Pathologist K–12 ^{/4/3}	20330	Speech-Language Pathology
Unified Science ^{/3/2}	—	—
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge

APPENDIX A—continued

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
Earth Science	20571	Earth Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
K-12 or 9-12 teaching certification for which no specialty area assessment or content knowledge assessment is designated and a Temporary Authorization Certificate (TAC) of License to Teach	30524	Principles of Learning and Teaching, Grades 7-12
School Counselor K-8, 7-12 ^{[4]3}	20420	School Guidance and Counseling
School Psychologist K-12 ^{[4]3}	10400	School Psychologist
Building-Level Administrator ^{[4]3} Principal K-8, 5-9, 9-12 Special Education Administrator K-12 [Vocational School] Career Education Director	11010	School Leaders Licensure Assessment (SLLA)
District-Level Administrator (Superintendent) K-12 ^{[4]2}	11020	School Superintendent Assessment (SSA)

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

- [2.]1. Not available by completion of the designated assessment only; also requires completion of a program of study in special education with the area of specialization from a state-approved institution.
- [3.]2. Not available by completion of the designated assessment only; also requires completion of a program of study in the unified science core with the area of specialization from a state-approved institution.
- [4.]3. Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo [Supp. 2003] Supp. 2004 and 168.011, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed March 1, 2002, effective Sept. 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

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

PROPOSED AMENDMENT

5 CSR 80-800.400 Procedure for Potential Candidates for Missouri Certificate of License to Teach with a Criminal History to Petition the State Board of Education for Background Clearance. The State Board of Education is amending section (5).

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the procedure for potential candidates with a criminal history to petition the State Board of Education for a background clearance.

(5) The background check form is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (**Highway Patrol**) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

[(A) For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the DESE.]

[(B)](A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI** and the payment of any fees required by the *[Missouri State] Highway Patrol and/or FBI.*

AUTHORITY: sections 168.011, RSMo 2000 and 161.092, 168.021, 168.071 and 168.081, RSMo [Supp. 2003] Supp. 2004. Original rule filed Jan. 19, 2000, effective Aug. 30, 2000. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004.

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

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

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

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 2—Eligibility for Services**

PROPOSED RULE

9 CSR 45-2.015 Criteria for MRDD Comprehensive Waiver Slot Assignment

PURPOSE: This rule establishes statewide policy for requesting and approving participation in the Mental Retardation and

Developmental Disabilities (MRDD) Comprehensive Home and Community-Based Waiver.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Persons eligible for services through the Mental Retardation and Developmental Disabilities (MRDD) Comprehensive Medicaid Waiver and who are in an emergency situation and who require out-of-home residential services or for whom out-of-home residential care is imminent without in-home services, will receive priority consideration in accessing a comprehensive waiver slot.

(A) The requested services must be directly related to preventing the person from entering a Medicaid institution or enabling a person to leave a Medicaid institution.

(B) Division treatment professionals must determine:

1. A community living arrangement is appropriate for the person;
2. The person is eligible for the waiver; and
3. The person chooses waiver services over institutional services.

(C) The division's Utilization Review (UR) process including prioritization of service need by assignment of a point count must be applied to all persons prior to assignment of a slot.

(2) Emergency situation is described as follows:

(A) The person is in immediate need of life-sustaining services and there is no alternative to division funding or provision of those services. Life-sustaining service is defined as a service to meet a basic human need such as food and shelter, or protection from harm;

(B) The person must be provided immediate services in order to protect another person or persons from imminent physical harm;

(C) The person is residing in an Intermediate Care Facility for persons who have Mental Retardation (ICF/MR) and has been assessed as able to live in a less restrictive arrangement in the community, the person wants to live in the community, and appropriate services and supports can be arranged through the waiver;

(D) The person is the focus of a court order;

(E) The person under age eighteen (18) requires coordinated services through several agencies to avoid court action;

(F) The person has been receiving MRDD waiver services through the Missouri Children with Developmental Disabilities Waiver (also known as the Sarah Jian Lopez Waiver), has attained age eighteen (18), and requires MRDD waiver services that are only available through the MRDD Comprehensive Waiver. This does not include participants who attain age eighteen (18) whose primary need is access to state plan services; or

(G) The person's primary caregiver has a documented terminal or severe, long-term medical condition that prevents the caregiver from continuing care in the home without access to services through the MRDD Comprehensive Waiver. Waiver services will supplement the natural and community supports the person is eligible to access but will not provide twenty-four (24) hour, seven (7) days per week support in the home. The person must be determined by the division to otherwise require more costly out-of-home services and have a UR score that substantiates the emergency need.

(3) The division director or designee may consider and may approve requests for slots when a Senate Bill 40 County Board will fund residential services for persons for whom UR has been applied and whose need meets emergency criteria.

(4) Processing Requests for Waiver Participation for Persons Who Do Not Meet the Criteria of Emergency Need.

(A) Anytime a person or the person's legal representative requests participation in the MRDD Comprehensive Medicaid Waiver, the regional center must determine if the person is eligible for the waiver, and if so, if the person wants to participate in the waiver. This includes completing the the form entitled Evaluation of Need for an ICF/MR Level of Care and Eligibility for the MRDD Waiver, which is incorporated by reference as part of this rule, available to the public from the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102.

(B) If the person is determined eligible, but the UR process including the prioritization of service need has not been done, the regional center must complete this process.

(C) If the person is eligible, but does not meet the emergency criteria need, the person's name will be placed on a waiver waiting list. Persons on the waiting list will be served according to the UR score that prioritizes need.

(D) The regional center must send written notification of the results of the eligibility determination to the person or the person's legal representative that includes appeal rights regardless of whether the person is determined eligible and placed on a waiting list or is determined ineligible for the waiver.

(5) Crisis Intervention Services. If a person requires crisis intervention services and the person is not in the comprehensive waiver, the person cannot be enrolled in the comprehensive waiver on a temporary basis. The process for accessing the comprehensive waiver must be the same for all persons.

(6) Waiver Participant Turnover.

(A) Funds freed up due to participants leaving the waiver (turnover) will first be used for persons served in the waiver who have increased needs and to serve persons who meet emergency need criteria. When the needs of these persons are met, funds that become available from turnover may be used to serve a person on the waiver waiting list with the next highest UR rated priority.

(B) Turnover in a two (2) or three (3) person Individualized Supported Living (ISL) arrangement may result in no funds that can be redirected if the same level of staffing must be maintained causing the cost for the remaining resident(s) to increase.

1. When an opening occurs in such a living arrangement, the regional center will determine if a person in the region, district, or state meeting emergency criteria chooses this living arrangement (including location); and if the current resident(s) also chooses the person being referred.

2. If the arrangement is not acceptable to persons meeting emergency criteria, the regional center will determine if the living arrangement is acceptable and appropriate for a person with the next highest UR rated priority on the waiting list.

3. If it is not, the regional center may request a waiver slot be used for a person on the waiting list in the region or district according to prioritized need.

(7) Once a person is assigned a comprehensive waiver slot, the slot follows the person within the state as long as the person remains eligible for the waiver. A regional center director can immediately resolve emergency situations for persons who have an assigned comprehensive waiver slot without obtaining approval from the division director or a designee.

(8) Terminating Waiver Participation.

(A) Persons shall be terminated from the waiver if the division cannot assure the person's health and safety living in the community, or if the person:

1. Is determined by the division to no longer meet ICF/MR level of care or to no longer require waiver services;

2. Voluntarily requests discharge from waiver services;

3. Becomes ineligible for Medicaid;

4. Moves from the state;

5. Refuses services or otherwise does not use waiver services; or

6. Moves to a Medicaid institution.

(B) Each person who is terminated must be notified in writing they are being terminated, the reason for the termination action, effective date, and appeal rights.

AUTHORITY: section 630.050, RSMo 2000. Emergency rule filed Oct. 1, 2004, effective Oct. 15, 2004, expires April 15, 2005. Original rule filed Oct. 1, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Kay Green, Deputy Division Director—Federal Programs, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 90—State Parks

Chapter 2—State Parks Administration

PROPOSED AMENDMENT

10 CSR 90-2.020 Park Management. The division is adding a new section (19).

PURPOSE: This amendment adds requirements to control the carrying of concealed weapons within Missouri state parks and state historic sites.

(19) Carrying a firearm or any other weapon as defined by section 571.030, RSMo readily capable of lethal use into buildings and facilities open to the general public, including but not limited to restaurants, campgrounds, visitors centers, lodges, rooms, cabins, park facilities, picnic areas, caves, beaches, tours and programs open to park visitors, is prohibited. This prohibition shall not apply to park rangers, state and federal law enforcement officers, peace officers, probation and parole officers, wardens and superintendents of prisons or penitentiaries, members of the armed forces and national guard, persons vested with judicial authority by the state or federal court, and members of the state General Assembly, acting in their official capacity. This prohibition shall not apply to instances when the firearm or weapon is used solely as a curio, ornament or keepsake, or is used in a manner related to a dramatic performance or special event that is permitted by the department. Lawful possession of a firearm by a person in a vehicle located in a parking area upon the premises of any area referenced in this rule shall not be prohibited so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. The provisions of this rule shall not alter rules relating to hunting in Missouri state parks and historic sites as governed by Chapter 252 and section 253.200, RSMo, the Wildlife Code of Missouri, or 10 CSR 90-2.030.

*AUTHORITY: section 253.035, RSMo 2000. Original rule filed May 17, 1954, effective May 27, 1954. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 30, 2004.*

PUBLIC COST: This proposed amendment will cost the Department of Natural Resources eight hundred fifty dollars and seventy-five cents (\$850.75) in the aggregate.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with William Blake, Operations Program, Division of State Parks, PO Box 760, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	10 CSR 90-2.020 Park Management
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
DNR/DSP/Operations Program	\$850.75

III. WORKSHEET

The price of each sign is \$2.05 made at our sign shop. We plan to put 5 signs at each of the Missouri state parks/historic sites. We have 83 such parks/sites for a total of 415 signs.

$$415 \times \$2.05 = \$850.75$$

IV. ASSUMPTIONS

Since these signs are made of aluminum, their life expectancy will be 10 years plus.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 80—Payment of Residential Facilities**

PROPOSED AMENDMENT

13 CSR 35-80.010 Residential Foster Care Maintenance Methodology. The division is deleting section (5).

PURPOSE: This amendment removes the termination date of this rule, in order to ensure federal funding and compliance with a court order issued by The United States District Court for the Western District (Central Division).

[(5) This rule shall terminate on October 15, 2004.]

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Jan. 16, 2004, effective Jan. 26, 2004, expired July 23, 2004. Original rule filed Jan. 16, 2004, effective Aug. 30, 2004. Emergency amendment filed Sept. 22, 2004, effective Oct. 2, 2004, expires March 30, 2005. Amended: Filed Sept. 22, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Children’s Division, 615 Howerton, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 80—Payment of Residential Facilities**

PROPOSED AMENDMENT

13 CSR 35-80.020 Residential Care Agency Cost Reporting System. The division is deleting section (7).

PURPOSE: This amendment removes the termination date of this rule, in order to ensure federal funding and compliance with a court order issued by The United States District Court for the Western District (Central Division).

[(7) This rule shall terminate on October 15, 2004.]

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Jan. 16, 2004, effective Jan. 26, 2004, expired July 23, 2004. Original rule filed Jan. 16, 2004, effective Aug. 30, 2004. Emergency amendment filed Sept. 22, 2004, effective Oct. 2, 2004, expires March 30, 2005. Amended: Filed Sept. 22, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Children’s Division, 615 Howerton, Jefferson City, MO 65102. To be

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

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 19—Energy Assistance**

PROPOSED AMENDMENT

13 CSR 40-19.020 Low Income Home Energy Assistance Program. The Family Support Division is amending section (3) to reflect changes made in income levels based on federal poverty guidelines and also section (4) to remove military personnel not living in the home as being ineligible household members.

PURPOSE: This amendment is being made to adjust the monthly income amounts on the LIHEAP Income Ranges Chart and to remove military personnel on active duty from being ineligible household members.

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of a LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household’s food stamp file.

LIHEAP INCOME RANGES CHART

Monthly Income Amounts

Household Size	Income Range	Income Range	Income Range	Income Range	Income Range
1	\$0-187	\$188-375	\$376-563	\$564-751	\$752-935
2	\$0-253	\$254-507	\$508-761	\$762-1,015	\$1,016-1,263
3	\$0-318	\$319-637	\$638-956	\$957-1,275	\$1,276-1,590
4	\$0-383	\$384-767	\$768-1,151	\$1,152-1,535	\$1,536-1,917
5	\$0-449	\$450-899	\$900-1,349	\$1,350-1,799	\$1,800-2,244
6	\$0-514	\$515-1,029	\$1,030-1,544	\$1,545-2,059	\$2,060-2,571
7	\$0-580	\$581-1,161	\$1,162-1,742	\$1,743-2,323	\$2,324-2,898
8	\$0-645	\$646-1,291	\$1,292-1,937	\$1,938-2,583	\$2,584-3,225
9	\$0-710	\$711-1,421	\$1,422-2,132	\$2,133-2,843	\$2,844-3,552
10	\$0-776	\$777-1,553	\$1,554-2,330	\$2,331-3,107	\$3,108-3,879
11	\$0-841	\$842-1,683	\$1,684-2,525	\$2,526-3,367	\$3,368-4,206
12	\$0-907	\$908-1,815	\$1,816-2,723	\$2,724-3,631	\$3,632-4,533
13	\$0-972	\$973-1,945	\$1,946-2,918	\$2,919-3,891	\$3,892-4,860
14	\$0-1,038	\$1,039-2,077	\$2,078-3,116	\$3,117-4,155	\$4,156-5,188
15	\$0-1,103	\$1,104-2,207	\$2,208-3,311	\$3,312-4,415	\$4,416-5,515
16	\$0-1,168	\$1,169-2,337	\$2,338-3,506	\$3,507-4,675	\$4,676-5,842
17	\$0-1,234	\$1,235-2,469	\$2,470-3,704	\$3,705-4,939	\$4,940-6,169
18	\$0-1,299	\$1,300-2,599	\$2,600-3,899	\$3,900-5,199	\$5,200-6,496
19	\$0-1,365	\$1,366-2,731	\$2,732-4,097	\$4,098-5,463	\$5,464-6,823
20	\$0-1,430	\$1,431-2,861	\$2,862-4,292	\$4,293-5,723	\$5,724-7,150]

LIHEAP INCOME RANGES CHART

Monthly Income Amounts

Household Size	Income Range	Income Range	Income Range	Income Range	Income Range
1	\$0-194	\$195-389	\$390-584	\$585-779	\$780-970
2	\$0-260	\$261-521	\$522-782	\$783-1,043	\$1,044-1,301
3	\$0-326	\$327-653	\$654-980	\$981-1,307	\$1,308-1,632
4	\$0-393	\$394-787	\$788-1,181	\$1,182-1,575	\$1,576-1,964
5	\$0-459	\$460-919	\$920-1,379	\$1,380-1,839	\$1,840-2,295
6	\$0-525	\$526-1,051	\$1,052-1,577	\$1,578-2,103	\$2,104-2,626
7	\$0-591	\$592-1,183	\$1,184-1,775	\$1,776-2,367	\$2,368-2,957
8	\$0-658	\$659-1,317	\$1,318-1,976	\$1,977-2,635	\$2,636-3,289
9	\$0-724	\$725-1,449	\$1,450-2,174	\$2,175-2,899	\$2,900-3,620
10	\$0-790	\$791-1,581	\$1,582-2,372	\$2,373-3,163	\$3,164-3,951
11	\$0-856	\$857-1,713	\$1,714-2,570	\$2,571-3,427	\$3,428-4,282
12	\$0-923	\$924-1,847	\$1,848-2,771	\$2,772-3,695	\$3,696-4,614
13	\$0-989	\$990-1,979	\$1,980-2,969	\$2,970-3,959	\$3,960-4,945
14	\$0-1,055	\$1,056-2,111	\$2,112-3,167	\$3,168-4,223	\$4,224-5,276
15	\$0-1,121	\$1,122-2,243	\$2,244-3,365	\$3,366-4,487	\$4,488-5,607
16	\$0-1,188	\$1,189-2,377	\$2,378-3,566	\$3,567-4,755	\$4,756-5,939
17	\$0-1,254	\$1,255-2,509	\$2,510-3,764	\$3,765-5,019	\$5,020-6,270
18	\$0-1,320	\$1,321-2,641	\$2,642-3,962	\$3,963-5,283	\$5,284-6,601
19	\$0-1,386	\$1,387-2,773	\$2,774-4,160	\$4,161-5,547	\$5,548-6,932
20	\$0-1,453	\$1,454-2,907	\$2,908-4,361	\$4,362-5,815	\$5,816-7,264

(4) Household members meeting any of the following conditions will not be eligible to receive LIHEAP benefits:

(C) Individuals not considered as household members. This will include roomers, boarders, live-in attendants and students *[or military personnel]* that are not actually residing in the home;

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 24, 2004, effective Oct. 4, 2004, expires April 1, 2005. Amended: Filed Sept. 24, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Family Support Division, PO Box 2320, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate in SFY 2005.

PRIVATE COST: This proposed amendment is expected to cost private entities \$635,597,499 in SFY 2005.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).
The division is adding section (12).

PURPOSE: This amendment will establish the Federal Reimbursement Allowance (FRA) assessment for SFY 2005 at 5.53%.

(12) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2005. The FRA assessment for State Fiscal Year (SFY) 2005 shall be determined at the rate of five and fifty-three hundredths percent (5.53%) of the hospital's total operating revenue less tax revenue/other government appropriations plus nonoperating gains and losses as published by the Missouri Department of Health and Senior Services, Section of Health Statistics. The base financial data for 2001 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030 Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

AUTHORITY: sections 208.201, 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 10, 2004, effective Sept. 20, 2004, expires March 18, 2005. Amended: Filed Sept. 27, 2004.

FISCAL NOTE**PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
130	Hospitals	SFY 2005 - \$635,597,499

III. WORKSHEET

The fiscal note is based on establishing the SFY 2005 FRA assessment percentage at 5.53%.

IV. ASSUMPTIONS

The SFY 2005 FRA assessment is based on total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses of approximately \$11.5 billion multiplied by 5.53%. The 130 hospitals reported above include 40 hospitals that are owned or controlled by state, county, city or hospital districts. The impact on these hospitals is \$103,893,863.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases**

PROPOSED AMENDMENT

19 CSR 20-20.010 Definitions Relating to Communicable, Environmental and Occupational Diseases. The Department of Health and Senior Services proposes to amend sections (9), (10), (24) and (33), add sections (26) and (39), and renumber sections (27)–(38).

PURPOSE: This amendment adds definition(s) for “Methicillin-resistant Staphylococcus aureus (MRSA), nosocomial,” “Vancomycin-resistant Enterococci (VRE), nosocomial,” and “Varicella (Chickenpox)” and changes the name from the Department of Health to the Department of Health and Senior Services.

(9) Designated representative is any person or group of persons appointed by the director of the Department of Health and Senior Services to act on behalf of the director or the State Board of Health.

(10) Director is the state Department of Health and Senior Services director.

(24) Local health authority is the city or county health officer, director of an organized health department or of a local board of health within a given jurisdiction. In those counties where a local health authority does not exist, the health officer or administrator of the Department of Health and Senior Services district in which the county is located shall serve as a local health authority.

(26) Methicillin-resistant *Staphylococcus aureus* (MRSA), vancomycin-resistant *Enterococci* (VRE), and nosocomial infection are:

(A) MRSA shall be defined as *S. aureus* strains that are resistant to oxacillin, nafcillin and methicillin; historically termed MRSA. These organisms are resistant to all β -lactam agents, including cephalosporins and carbapenems. (NOTE: MRSA isolates are often resistant to other multiple, commonly used classes of antimicrobial agents, including erythromycin, clindamycin, and tetracycline.)

(B) VRE shall be defined as *Enterococci* that possess intrinsic or acquired resistance to vancomycin. Several genes, including *vanA*, *vanB*, *vanC*, *vanD*, and *vanE*, contribute to resistance to vancomycin in *Enterococci*.

(C) Nosocomial infection shall be defined by the national Centers for Disease Control and Prevention and applied to infections within hospitals, ambulatory surgical centers, and other facilities.

[(26)](27) Outbreak or epidemic is the occurrence in a community or region of an illness(es) similar in nature, clearly in excess of normal expectancy and derived from a common or a propagated source.

[(27)](28) Period of communicability is the period of time during which an etiologic agent may be transferred, directly or indirectly, from an infected person to another person or from an infected animal to a person.

[(28)](29) Person is any individual, partnership, corporation, association, institution, city, county, other political subdivision authority, state agency or institution or federal agency or institution.

[(29)](30) Pesticide poisoning means human disturbance of function, damage to structure or illness, which results from the inhalation, absorption or ingestion of any pesticide.

[(30)](31) Poisoning means injury, illness or death caused by chemical means.

[(31)](32) Quarantine is a period of detention for persons or animals that may have been exposed to a reportable disease. The period of time will not be longer than the longest period of communicability of the disease. The purpose of quarantine is to prevent effective contact with the general population.

(A) Complete quarantine is a limitation of freedom of movement of persons or animals exposed to a reportable disease, for a period of time not longer than the longest period of communicability of the disease, in order to prevent effective contact with the general population.

(B) Modified quarantine is a selective, partial limitation of freedom of movement of persons or animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the closure of schools and places of public or private assembly and the prohibition or restriction of those exposed to a communicable disease from engaging in a particular occupation.

[(32)](33) Reportable disease is any disease or condition for which an official report is required. Any unusual expression of illness in a group of individuals, which may be of public health concern, is reportable and shall be reported to the local health department, local health authority or the Department of Health and Senior Services by the quickest means.

[(33)](34) Small quantity generator of infectious waste is any person generating one hundred kilograms (100 kg) or less of infectious waste per month and as regulated in 10 CSR 80.

[(34)](35) Terrorist event is the unlawful use of force or violence committed by a group or individual against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. Terrorist attacks are classified as chemical, biological, or radiological.

(A) Chemical means any weapon that is designed or intended to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or precursors of toxic or poisonous chemicals.

(B) Biological means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product.

(C) Radiological means any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

[(35)](36) Toxic substance is any substance, including any raw materials, intermediate products, catalysts, final products or by-products of any manufacturing operation conducted in a commercial establishment that has the capacity through its physical, chemical or biological properties to pose a substantial risk of death or impairment, either immediately or later, to the normal functions of humans, aquatic organisms or any other animal.

[(36)](37) Unusual diseases—Examples include, but are not limited to, the following:

(A) Diseases uncommon to a geographic area, age group, or anatomic site;

(B) Cases of violent illness resulting in respiratory failure;

(C) Absence of a competent natural vector for a disease; or

(D) Occurrence of hemorrhagic illness.

[(37)](38) Unusual manifestation of illness—Examples include, but are not limited to, the following:

(A) Multiple persons presenting with a similar clinical syndrome at a steady or increasing rate;

(B) Large numbers of rapidly fatal cases, with or without recognizable signs and symptoms;

(C) Two (2) or more persons, without a previous medical history, presenting with convulsions;

(D) Persons presenting with grayish colored tissue damage; or

(E) Adults under the age of fifty (50) years, without previous medical history, presenting with adult respiratory distress syndrome (ARDS).

(39) Varicella (Chickenpox) severity of illness shall include the following categories:

(A) **Mild—less than fifty (50) lesions (able to count lesions within thirty (30) seconds);**

(B) **Moderate—fifty to five hundred (50–500) lesions (anything in between mild and severe); and**

(C) **Severe—more than five hundred (500) lesions (difficult to see the skin) or lesions with complications.**

AUTHORITY: sections 192.006, [RSMo Supp, 1999] 192.020 and 260.203, RSMo [1994] 2000. This rule was previously filed as 13 CSR 50-101.010. Original rule filed July 15, 1948, effective Sept. 13, 1948. Rescinded and readopted: Filed Dec. 11, 1981, effective May 13, 1982. Amended: Filed Aug. 16, 1988, effective Dec. 29, 1988. Amended: Filed Aug. 14, 1992, effective April 8, 1993. Amended: Filed Sept. 15, 1995, effective April 30, 1996. Emergency amendment filed June 1, 2000, effective June 15, 2000, expired Dec. 11, 2000. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Amended: Filed Oct. 1, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Bryant McNally, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, Jefferson City, MO 65102-0570, Phone (573) 751-6080. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Environmental Health and Communicable Disease Prevention Chapter 20—Communicable Diseases

PROPOSED AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases. The Department of Health and Senior Services proposes to amend subsection (1)(A), sections (2), (4), and (5) and add subsections (2)(A), (2)(B), (5)(B), (5)(C) and sections (7) and (9) and renumber the remaining sections.

PURPOSE: This amendment adds the requirement to report seven (7) conditions found on the Centers for Disease Control and Prevention (CDC) Nationally Notifiable Disease Listing (NNDL); replaces "Methemoglobinemia" with "Methemoglobinemia, environmentally-induced"; adds Shiga toxin positive, unknown organism; modifies the titles of eleven (11) conditions to standardize them with those found within the CDC NNDL; and re-categorizes ten (10) conditions within the reporting rule.

(1) Category I diseases or findings shall be reported to the local health authority or to the Department of Health and Senior Services within twenty-four (24) hours of first knowledge or suspicion by telephone, facsimile or other rapid communication. Category I diseases or findings are—

(A) Diseases, findings or agents that occur naturally or from accidental exposure:

Animal (mammal) bite wound, humans

Diphtheria

***Escherichia coli* O157:H7**

***Escherichia coli*, shiga toxin positive, serogroup non-O157:H7**

Haemophilus influenzae, invasive disease

Hantavirus pulmonary syndrome

Hemolytic uremic syndrome (HUS), post-diarrheal

Hepatitis A

[Hyperthermia

Hypothermia]

Influenza[, *suspected—nosocomial outbreaks and*—associated public and/or private school closures

Lead (blood) level greater than or equal to forty-five micrograms per deciliter ($\geq 45 \mu\text{g/dl}$) in any person equal to or less than seventy-two (≤ 72) months of age

Measles (rubeola)

Meningococcal disease, invasive

Outbreaks (**including nosocomial**) or epidemics of any illness, disease or condition that may be of public health concern

Pertussis

Poliomyelitis

Rabies, animal or human

Rubella, including congenital syndrome

Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) Disease

Shiga toxin positive, unknown organism

Shigellosis

[Staphylococcus aureus, vancomycin resistant]

Streptococcus pneumoniae, [*invasive in children list than five (5) years*] **drug resistant invasive disease**

[Syphilis, including congenital syphilis]

Tetanus

Tuberculosis disease

Typhoid fever (*Salmonella typhi*)

Vancomycin-intermediate *Staphylococcus aureus* (VISA), and

Vancomycin-resistant *Staphylococcus aureus* (VRSA)

(2) **Category II diseases or findings and their reporting requirements are—**

(A) Category IIA diseases or findings shall be reported to the local health authority or the Department of Health and Senior Services within three (3) days of first knowledge or suspicion. Category IIA diseases or findings are—

Acquired immunodeficiency syndrome (AIDS)

Arsenic poisoning

Blastomycosis

California serogroup viral encephalitis/meningitis

[Campylobacter infections] **Campylobacteriosis**

Carbon monoxide poisoning

CD4+ T cell count

Chancroid

Chemical poisoning, acute, as defined in the most current ATSDR CERCLA Priority List of Hazardous Substances; if terrorism is suspected, refer to subsection (1)(B)

Chlamydia trachomatis, infections

Coccidioidomycosis

Creutzfeldt-Jakob disease

Cryptosporidiosis

[Cyclosporidiosis] **Cyclosporiasis**

Eastern equine viral encephalitis/meningitis

Ehrlichiosis, human granulocytic, monocytic, or other/unspecified

agent
[*Escherichia coli* O157:H7
Escherichia coli, shiga toxin positive, serogroup non-O157:H7]
Giardiasis
Gonorrhoea
Hansen's disease (//Leprosy)
Heavy metal poisoning including, but not limited to, cadmium and mercury
[*Hemolytic uremic syndrome (HUS)*, post-diarrheal]
Hepatitis B, acute
Hepatitis B, chronic
Hepatitis B surface antigen (prenatal HBsAg) in pregnant women
Hepatitis B Virus Infection, perinatal
Hepatitis C, acute
Hepatitis C, chronic
Hepatitis non-A, non-B, non-C
Human immunodeficiency virus (HIV)-exposed newborn infant (i.e., newborn infant whose mother is infected with HIV)
Human immunodeficiency virus (HIV) infection, as indicated by HIV antibody testing (reactive screening test followed by a positive confirmatory test), HIV antigen testing (reactive screening test followed by a positive confirmatory test), detection of HIV nucleic acid (RNA or DNA), HIV viral culture, or other testing that indicates HIV infection
Human immunodeficiency virus (HIV) test results (including both positive and negative results) for children less than two (2) years of age whose mothers are infected with HIV
Human immunodeficiency virus (HIV) viral load measurement (including non-detectable results)
Hyperthermia
Hypothermia
Influenza, laboratory-confirmed
Lead (blood) level less than forty-five micrograms per deciliter (<45 µg/dl) in any person equal to or less than seventy-two (<72) months of age and any lead (blood) level in persons older than seventy-two (>72) months of age
Legionellosis
Leptospirosis
[*Listeria monocytogenes*] **Listeriosis**
Lyme disease
Malaria
Methemoglobinemia, **environmentally-induced**
Mumps
Mycobacterial disease other than tuberculosis (MOTT)
[*Nosocomial outbreaks*]
Occupational lung diseases including silicosis, asbestosis, byssinosis, farmer's lung and toxic organic dust syndrome
Pesticide poisoning
Powassan viral encephalitis/meningitis
Psittacosis
Respiratory diseases triggered by environmental contaminants including environmentally or occupationally induced asthma and bronchitis
Rocky Mountain spotted fever
Saint Louis viral encephalitis/meningitis
Salmonellosis
[*Shigellosis*]
Streptococcal disease, invasive, Group A
Streptococcus pneumoniae, [drug resistant invasive disease] **invasive in children less than five (5) years**
Syphilis, including congenital syphilis
[*Tetanus*]
Toxic shock syndrome, staphylococcal or streptococcal
Trichinosis
Tuberculosis infection
Varicella (Chickenpox)
Varicella deaths

West Nile fever
West Nile viral encephalitis/meningitis
Western equine viral encephalitis/meningitis
[*Yersinia enterocolitica*] **Yersiniosis**

(B) Category IIB diseases or findings shall be reported directly to the Department of Health and Senior Services quarterly. Category IIB diseases or findings are central line-associated bacteremia (CLAB), surgical site infection (SSI), and ventilator-associated pneumonia (VAP) due to—

Methicillin-resistant *Staphylococcus aureus* (MRSA), nosocomial

Vancomycin-resistant *Enterococci* (VRE), nosocomial

(4) A physician, physician's assistant, nurse, hospital, clinic, or other private or public institution providing diagnostic testing, screening or care to any person with any disease, condition or finding listed in sections (1)–(3) of this rule with the exception of Methicillin-resistant *Staphylococcus aureus* (MRSA), nosocomial and Vancomycin-resistant *Enterococci* (VRE), nosocomial, or who is suspected of having any of these diseases, conditions or findings shall make a case report to the local health authority or the Department of Health and Senior Services, or cause a case report to be made by their designee, within the specified time.

(5) Except for influenza, laboratory-confirmed and Varicella (Chickenpox); /A/a case report as required in section (4) of this rule shall include the patient's name, home address with zip code, date of birth, age, sex, race, home phone number, name of the disease, condition or finding diagnosed or suspected, the date of onset of the illness, name and address of the treating facility (if any) and the attending physician, any appropriate laboratory results, name and address of the reporter, treatment information for sexually transmitted diseases, and the date of report.

(B) Influenza, laboratory-confirmed reporting as required in section (4) of this rule shall include the patient's age group (i.e., 0–4, 5–24, 25–64, and 65+ years) and serology/serotype (i.e., A, B, and unknown), the local health authority jurisdiction within which the cases occurred, and the date of report. Aggregate patient data shall be reported weekly.

(C) Varicella (Chickenpox) reporting as required in section (4) of this rule shall include the patient's name, date of birth, vaccination history, and severity of illness; the local health authority jurisdiction within which the cases occurred, and the date of report.

(11) Hospitals and ambulatory surgical centers shall report on a quarterly basis the aggregate number of nosocomial methicillin sensitive *Staphylococcus aureus* (*S. aureus*), nosocomial *S. aureus*, nosocomial vancomycin sensitive *Enterococci*, and nosocomial *Enterococci* isolates. Data shall be reported directly to the Department of Health and Senior Services. Reporting shall include only a patient's first diagnostic nosocomial isolate of *Staphylococcus aureus* (*S. aureus*) and *Enterococci* and the isolate's corresponding methicillin or vancomycin sensitivity; irrespective of location (i.e., central line-associated bacteremia, surgical site infection, or ventilator-associated pneumonia) or of other anti-microbial sensitivity(ies). Intermediate methicillin or vancomycin sensitivity shall be reported as resistant (i.e., methicillin-resistant *Staphylococcus aureus* (MRSA) or vancomycin-resistant *Enterococci* (VRE), respectively).

(A) Methicillin-resistant *Staphylococcus aureus* (MRSA) and vancomycin-resistant *Enterococci* (VRE) nosocomial infections to be reported to the Department of Health and Senior Services are limited to central line-associated bacteremia (CLAB), surgical site infection (SSI), and ventilator-associated pneumonia (VAP).

(B) Aggregate data for patients' non-duplicative isolates of nosocomial MRSA and VRE infections shall be reported as:

$$\frac{\text{\# of nosocomial } S. \text{ aureus isolates sensitive to methicillin} \\ \text{(oxacillin, etc.)}}{\text{\# of nosocomial } S. \text{ aureus isolates}}$$

$$\frac{\text{\# of nosocomial } \textit{Enterococci} \text{ isolates sensitive to vancomycin}}{\text{\# of nosocomial } \textit{Enterococci} \text{ isolates}}$$

(C) Aggregate data shall be reported for the quarters January–March, April–June, July–September, and October–December within ten (10) days of the end of the quarter.

AUTHORITY: sections 192.006, 192.020, 192.139, 210.040 and 210.050, RSMo 2000. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 1, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions one hundred thirty thousand one hundred eighteen dollars and seventy cents (\$130,118.70) annually in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities ninety-three thousand three hundred five dollars and ninety-three cents (\$93,305.93) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Bryant McNally, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, Jefferson City, MO 65102-0570, Phone (573) 751-6080. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 19 Department of Health and Senior Services

Division: 20 – Environmental Health and Communicable Disease Prevention

Chapter: 20 Communicable Diseases

Type of Rule Making: Proposed Amendment

Rule Number and Name: 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Health and Senior Services	\$123,593.00
Missouri State Public Health Laboratory	\$3,535.76
County/district health agencies	\$2,175.23
Public schools	\$815.71
	Total = \$130,118.70 annually

III. WORKSHEET

See attached Fiscal Note Worksheet: Public Entity Cost Estimate(s), July 2004

IV. ASSUMPTIONS

See attached Fiscal Note Worksheet: Public Entity Cost Estimate(s), July 2004

FISCAL NOTE WORKSHEET:**Public Entity Cost Estimate(s),****JULY 2004**

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases.
The Department of Health and Senior Services proposes to amend Section 1.

PURPOSE: This amendment adds or modifies the requirement to report Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) Disease; Hepatitis B Chronic; Hepatitis B Virus Infection, perinatal; Hepatitis C, acute; Hepatitis C, chronic; Methemoglobinemia, environmentally-induced [modified from Methemoglobinemia]; Methicillin-resistant Staphylococcus Aureus (MRSA), nosocomial; Shiga Toxin-Positive, Unknown Organism; Vancomycin-Intermediate Staphylococcus Aureus (VISA); Vancomycin-resistant Enterococci (VRE), nosocomial; and Varicella (Chickenpox).

Additionally, this amendment corrects the titles of Campylobacteriosis; Cyclosporiasis; Hansen's Disease; Influenza-associated Public and/or Private School Closures; Listeriosis; Outbreaks (including Nosocomial) or Epidemics of Any Illness, Disease or Condition of Public Health Concern; and Yersiniosis.

Finally, this amendment moves the category "Nosocomial Outbreaks" into the category "Outbreaks".

1. ADDITION OF "SEVERE ACUTE RESPIRATORY SYNDROME-ASSOCIATED CORONAVIRUS (SARS-CoV) DISEASE".

Assumption: Reporting of this condition by states to the Centers for Disease Control and Prevention (CDC) is critical. As a result, the Missouri Department of Health and Senior Services (MDHSS) places a great deal of emphasis to fully investigate each suspected case of SARS-CoV Disease to avert an immediate danger to the public health, safety or welfare of the citizens of Missouri. Even one case of SARS-CoV Disease is considered an outbreak and significant public health interventions will be applied to any potential case. Taking historical incidence into consideration, the expected number of suspected SARS-CoV Disease cases that would occur annually would be approximately five.

PUBLIC ENTITY COST TO REPORT SARS-CoV DISEASE = \$87.96. In general, about 25% of communicable disease reports received by MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of communicable disease reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools. The proportion of public to private reporting of SARS-CoV Disease is therefore estimated to be 25% and 75%, respectively. The public entity cost is then calculated by: (a) 25% of reports received by MDHSS come from public sources, (b) it takes about 4 hours per case to

fill out the questionnaire, interact with the health care provider/laboratory, and to telephonically report each case – or 4 hours of salary for a Community Health Nurse II with a typical salary of \$36,960/year (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	4.0 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
5	\$70.00	\$350.00	0.37¢	\$1.85	\$351.85	\$87.96

2. ADDITION OF “HEPATITIS B, CHRONIC”.

Assumption(s): Hepatitis B is a serious disease caused by a virus that attacks the liver. The virus, which is called hepatitis B virus, can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death. Hepatitis B vaccine is available for all age groups to prevent hepatitis B virus infection. In 2003, the CDC added Hepatitis B, Chronic to its list of nationally notifiable diseases.

The Office of Surveillance (OoS) estimates that there would be approximately 155 reportable cases of Hepatitis B, Chronic. This estimate was arrived at by taking assuming that 1.98% of the estimated 78,000 new cases of acute Hepatitis B will occur in Missouri, for 1,551 Missouri cases. [NOTE: In 2000, Missouri’s population (5,595,211) was 1.98% of the national total (281,421,906). The 78,000 estimate is from the Centers for Disease Control and Prevention (CDC).] Of acute Hepatitis B cases, the Hepatitis B Foundation estimates that 90% of cases in infants (<1 year) will become chronic, 50% of cases in children (1-17 years), and 10% of cases in adults (18+ years). In 2003, almost all cases of chronic Hepatitis B reported to the Missouri Health Surveillance Information System (MOHSIS) were in adults. Assuming this age distribution will generally continue, OoS estimates that 10% of the estimated 1,551 annual cases of acute Hepatitis B in Missouri will become chronic, for an estimated total of 155 new cases of chronic Hepatitis B each year. [NOTE: From 2003 onwards, approximately 120 annual cases of chronic Hepatitis B have already been reported using MOHSIS.]

In general, approximately 25% of communicable disease reports received by the MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools.

PUBLIC ENTITY COST TO REPORT HEPATITIS B, CHRONIC = \$149.96. Public entity cost is calculated by: (a) 25% of reports received by MDHSS come from public sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
------	------	------	------	------	------	------

Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
155	\$3.50	\$543.00	0.37¢	\$57.35	\$599.85	\$149.96

3. ADDITION OF “HEPATITIS B VIRAL INFECTION, PERINATAL”.

Assumption(s): Hepatitis B is a serious disease caused by a virus that attacks the liver. The virus can cause lifelong infection, cirrhosis of the liver, liver cancer, liver failure, and death. Hepatitis B vaccine is available for all age groups to prevent hepatitis B virus infection. During birth, the baby of an infected mother is at risk for hepatitis B virus infection. The risk of perinatal HBV infection among infants born to HBV-infected mothers ranges from 10% to 85%. Infants who become infected by perinatal transmission have a 90% risk of chronic infection, and up to 25% will die of chronic liver disease as adults. Even when not infected during the perinatal period, children of HBV-infected mothers remain at high risk of acquiring chronic HBV infection by person-to-person (horizontal) transmission during the first 5 years of life. More than 90% of these infections can be prevented if HBsAg-positive mothers are identified so that their infants can receive hepatitis B vaccine and hepatitis B immune globulin (HBIG) soon after birth. Infants born to HBV-infected mothers should be given HBIG (hepatitis B immune globulin) and vaccine within 12 hours after birth.

The CDC has recently added Hepatitis B, perinatal disease to its list of nationally notifiable diseases. An estimated 20% of infants born to HBsAg-positive mothers will become infected. In 2003, there were 74 infants born to known Hepatitis B positive mothers in Missouri. Therefore, OoS estimates that there will be 15 or fewer cases of confirmed Hepatitis B virus infection in infants each year in Missouri. [NOTE: Current reporting of acute and chronic Hepatitis B may include some perinatal Hepatitis B cases, reducing the volume of new reporting required by this proposed rule revision.]

In general, approximately 25% of communicable disease reports received by the MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools.

PUBLIC ENTITY COST TO REPORT HEPATITIS B, PERINATAL INFECTION >/- \$14.51.

Public entity cost is calculated by: (a) 25% of reports received by MDHSS come from public sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense

		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
15	\$3.50	\$53.00	0.37¢	\$5.55	\$58.05	\$14.51

4. CORRECTION OF TITLE TO “HEPATITIS C, ACUTE”.

No additional public reporting costs anticipated.

5. CORRECTION OF TITLE TO “HEPATITIS C, CHRONIC”.

No additional public reporting costs anticipated.

6. MODIFICATION OF “METHEMOGLOBINEMIA” TO “METHEMOGLOBINEMIA, ENVIRONMENTALLY-INDUCED”.

Assumption: Methemoglobinemia is a clinical condition in which more than 1% of hemoglobin in blood has been oxidized to the ferric form. Coma, seizures, and cardiac arrhythmias may occur with methemoglobin levels greater than 55%. Methemoglobinemia may be environmentally-induced, drug-induced, or genetically-induced. The MDHSS is interested in obtaining data for environmentally-induced cases of methemoglobinemia only.

Since 1993, there have been less than ten reported cases of methemoglobinemia due to all causes. Due to this low incidence in Missouri, the public costs associated with reporting environmentally-induced methemoglobinemia are negligible.

7. ADDITION OF “METHICILLIN-RESISTANT *STAPHYLOCOCCUS AUREUS* (MRSA), NOSOCOMIAL”.

Assumption(s): Staphylococcal bacteria (or staph) can cause serious infections, such as surgical wound infections and pneumonia. Treatment of staph infections has become more difficult because the bacteria have become resistant to various antibiotics, such as methicillin.

The “Missouri Nosocomial Infection Control Act of 2004” mandates that nosocomial MRSA infection be included in the list of reportable diseases and/or conditions. The implementation of mandated surveillance activities, specifically the collection and analysis of data on nosocomial MRSA infection from health care providers, are required as part of the legislation. These surveillance activities require the addition of an Epidemiology Specialist and a Senior Office Support Assistant.

PUBLIC ENTITY COST TO REPORT METHICILLIN-RESISTANT *STAPHYLOCOCCUS AUREUS* INFECTION = **\$61,796.50**. Public entity cost is calculated by 50% of the total personal, fringe, and expense and equipment costs incurred for an Epidemiology Specialist and a Senior Office Support Assistant. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)
Position Classification	Personal Services	Fringe Benefits	Expense and Equipment	Total	Public Entity Expense

				= c1 + c2 + c3	.5 * c5
Epidemiology Specialist	41,916	16,029	16,430	74,375	37,187.50
Senior Office Support Assistant	24,984	9,554	14,680	49,218	24,609
Total	\$66,900	\$25,583	\$31,110	\$123,593	\$61,796.50

8. ADDITION OF “SHIGA TOXIN-POSITIVE, UNKNOWN ORGANISM”.

Assumption(s): Disease caused by Shiga toxin-producing bacteria ranges from self-limiting diarrhea to hemorrhagic colitis and hemolytic uremic syndrome (HUS). Shiga toxin-producing bacteria have been isolated from large foodborne outbreaks, as well as sporadic cases, in North America and abroad.

Based on reporting of non-O157 and unscrogrouped E. coli shiga toxin in Missouri for the first quarter of 2004 (n=5 reported confirmed or probable cases), it is estimated that the annual number of reported cases of “shiga toxin-positive, unknown organism” in Missouri will be approximately 20 cases.

PUBLIC ENTITY COST TO REPORT SHIGA TOXIN-POSITIVE, UNKNOWN ORGANISM INFECTION >= \$19.35. Public entity cost is calculated by: (a) 25% of reports received by MDHSS come from public sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
20	\$3.50	\$70.00	0.37¢	\$7.40	\$77.40	\$19.35

9. ADDITION OF “VANCOMYCIN-INTERMEDIATE STAPHYLOCOCCUS AUREUS” (VISA).

Assumption(s): VISA is a specific type of antimicrobial-resistant staph bacteria. While most staph bacteria are susceptible to the antimicrobial agent vancomycin some have developed resistance. VISA infections are rare. Only eight cases of infection caused by VISA have been reported in the United States. VISA is only part of the larger problem of antimicrobial resistance in healthcare settings. Spread occurs among people having close physical contact with infected patients or contaminated material, like bandages. Strategies that can prevent antimicrobial resistance include diagnose and treat infections effectively; use antimicrobials wisely; and prevent transmission of infections.

Since only eight cases of VISA have been reported nationally, with no state reporting more than one case; it is estimated that the annual number of reported cases of “vancomycin-intermediate *staphylococcus aureus*” (VISA) in Missouri will not exceed three cases. Due to low incidence in Missouri, the public costs associated with reporting this disease are negligible.

10. ADDITION OF “VANCOMYCIN-RESISTANT *ENTEROCOCCI* (VRE), NOSOCOMIAL”.

Assumption(s): Enterococci are among the leading causes of nosocomial bacteremia, surgical wound infection, and urinary tract infection. Unfortunately, they are becoming resistant to many and sometimes all standard therapies.

The “Missouri Nosocomial Infection Control Act of 2004” mandates that nosocomial VRE infection be included in the list of reportable diseases and/or conditions. The implementation of mandated surveillance activities, specifically the collection and analysis of data on nosocomial VRE infection from health care providers, are required as part of the legislation. These surveillance activities require the addition of an Epidemiology Specialist and a Senior Office Support Assistant.

PUBLIC ENTITY COST TO REPORT VANCOMYCIN-RESISTANT *ENTEROCOCCI* INFECTION = \$61,796.50. Public entity cost is calculated by 50% of the total personal, fringe, and expense and equipment costs incurred for an Epidemiology Specialist and a Senior Office Support Assistant. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)
Position Classification	Personal Services	Fringe Benefits	Expense and Equipment	Total	Public Entity Expense
				= c1 + c2 + c3	= .5 * c5
Epidemiology Specialist	41,916	16,029	16,430	74,375	37,187.50
Senior Office Support Assistant	24,984	9,554	14,680	49,218	24,609
Total	\$66,900	\$25,583	\$31,110	\$123,593	\$61,796.50

11. ADDITION OF “VARICELLA (CHICKENPOX)”.

Assumption(s): The Centers for Disease Control and Prevention (CDC) have urged states to track morbidity of Varicella. Additionally, to be eligible for the CDC’s Immunization Grant Funding in FY 2005, Varicella must be a reportable condition. The number of potential cases that would occur annually was calculated by taking the number of Missouri births in 2002¹ and multiplying it by the Varicella birth cohort found on CDC’s website² using the last year (1997)

¹MDHSS MICA. <http://www.dhss.state.mo.us/MVS02/Table05a.pdf>

² CDC. <http://www.cdc.gov/mmwr/preview/mmwrhtml/00056339.htm#00001948.gif>

that statistical comparisons were available for Missouri ($75,167 \text{ births} \times 8.6\% = 6,464 \text{ cases}$ of Varicella).

PUBLIC ENTITY COST TO REPORT VARICELLA MORBIDITY = \$6,253.92. In general, approximately 25% of communicable disease reports received by the MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of communicable disease reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools. The public entity cost is then calculated by: (a) 25% of reports received by MDHSS come from public sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960/year (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The public entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Public Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .25 * c6
6,464	\$3.50	\$22,624	0.37¢	\$2,391.68	\$25,015.68	\$6,253.92

12. CORRECTION OF TITLE TO “CAMPYLOBACTERIOSIS”.

No additional public reporting costs anticipated.

13. CORRECTION OF TITLE TO “CYCLOSPORIASIS”.

No additional public reporting costs anticipated.

14. CORRECTION OF TITLE TO “HANSEN’S DISEASE (LEPROSY)”.

No additional public reporting costs anticipated.

15. CORRECTION OF TITLE TO “INFLUENZA-ASSOCIATED PUBLIC AND/OR PRIVATE SCHOOL CLOSURES”.

No additional public reporting costs anticipated.

16. CORRECTION OF TITLE TO “LISTERIOSIS”.

No additional public reporting costs anticipated.

17. CORRECTION OF TITLE TO “OUTBREAKS (INCLUDING NOSOCOMIAL) OR EPIDEMICS OF ILLNESS, DISEASE OR CONDITION OF PUBLIC HEALTH CONCERN”.

No additional public reporting costs anticipated.

18. CORRECTION OF TITLE TO “YERSINIOSIS”.

No additional public reporting costs anticipated.

19. DELETION OF “NOSOCOMIAL OUTBREAKS” AS AN INDIVIDUAL REPORTABLE CATEGORY.

No additional or decreased public reporting costs anticipated.

TOTAL PUBLIC ENTITY COSTS:

\$87.96 + \$14.51 + \$149.96 + \$61,796.50 + \$19.35 + \$61,796.50 + \$6,253.92 = \$130,118.70

Table. Distribution of Total Public Entity Cost(s), by Affected Agency or Political Subdivision

Affected Agency or Political Subdivision	Portion, or Fraction, of Total Costs	Estimated Cost of Compliance
MDHSS	100% of new MDHSS staff	\$123,593.00
State Public Health Laboratory	13/24 of remaining costs	\$3,534.76
County/district health agencies	8/24 of remaining costs	\$2,175.23
Public schools	3/24 of remaining costs	\$815.71

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 19 – Department of Health and Senior Services

Division: 20 Environmental Health and Communicable Disease Prevention

Chapter: 20 – Communicable Diseases

Type of Rule Making: Proposed Amendment

Rule Number and Name: 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities.
127	Hospitals	\$43,561.84
approximately 850	Hospital and private laboratories	\$43,819.43
approximately 12,900	Private providers	\$2,060.75
approximately 550	Private schools	\$1,030.38
	Other/unknown	\$2,833.53
		Total = \$93,305.93 annually

III. WORKSHEET

See attached Fiscal Note Worksheet: Private Entity Cost Estimate(s), July 2004

IV. ASSUMPTIONS

See attached Fiscal Note Worksheet: Private Entity Cost Estimate(s), July 2004

FISCAL NOTE WORKSHEET:

Private Entity Cost Estimate(s),

JULY 2004

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases.
The Department of Health and Senior Services proposes to amend Section 1.

PURPOSE: This amendment adds or modifies the requirement to report Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) Disease; Hepatitis B Chronic; Hepatitis B Virus Infection, perinatal; Hepatitis C, acute; Hepatitis C, chronic; Methemoglobinemia, environmentally-induced [modified from Methemoglobinemia]; Methicillin-resistant Staphylococcus aureus (MRSA), nosocomial; Shiga Toxin-Positive, Unknown Organism; Vancomycin-Intermediate Staphylococcus Aureus (VISA); Vancomycin-resistant Enterococci (VRE), nosocomial; and Varicella (Chickenpox).

Additionally, this amendment corrects the titles of Campylobacteriosis; Cyclosporiasis; Hansen's Disease; Influenza-associated Public and/or Private School Closures; Listeriosis; Outbreaks (including Nosocomial) or Epidemics of Any Illness, Disease or Condition of Public Health Concern; and Yersiniosis.

Finally, this amendment moves the category "Nosocomial Outbreaks" into the category "Outbreaks".

I. ADDITION OF "SEVERE ACUTE RESPIRATORY SYNDROME-ASSOCIATED CORONAVIRUS (SARS-CoV) DISEASE".

Assumption: Reporting of this condition by states to the Centers for Disease Control and Prevention (CDC) is critical. As a result, the Missouri Department of Health and Senior Services (MDHSS) places a great deal of emphasis to fully investigate each suspected case of SARS-CoV Disease to avert an immediate danger to the public health, safety or welfare of the citizens of Missouri. Even one case of SARS-CoV Disease is considered an outbreak and significant public health interventions will be applied to any potential case. Taking historical incidence into consideration, the expected number of suspected SARS-CoV Disease cases that would occur annually would be approximately five.

PRIVATE ENTITY COST TO REPORT SARS-CoV DISEASE = **\$263.89**. The private entity cost is calculated by: (a) 75% of reports received by MDHSS come from private sources; (b) it takes about 4 hours per case to fill out the questionnaire, interact with local public health agencies/state agencies, and to telephonically report each case – or 4.0 hours of salary of a Community Health Nurse II with a typical salary of \$36,960/year (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many will be sent electronically. The private entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
------	------	------	------	------	------	------

Number of Cases per Year	4.0 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Private Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .75 * c6
5	\$70.00	\$350.00	0.37¢	\$1.85	\$351.85	\$263.89

2. ADDITION OF “HEPATITIS B, CHRONIC”.

Assumption(s): Hepatitis B is a serious disease caused by a virus that attacks the liver. The virus, which is called hepatitis B virus, can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death. Hepatitis B vaccine is available for all age groups to prevent hepatitis B virus infection. In 2003, the CDC added Hepatitis B, Chronic to its list of nationally notifiable diseases.

The Office of Surveillance (OoS) estimates that there would be approximately 155 reportable cases of Hepatitis B, Chronic. This estimate was arrived at by taking assuming that 1.98% of the estimated 78,000 new cases of acute Hepatitis B will occur in Missouri, for 1,551 Missouri cases. [NOTE: In 2000, Missouri’s population (5,595,211) was 1.98% of the national total (281,421,906). The 78,000 estimate is from the Centers for Disease Control and Prevention (CDC).] Of acute Hepatitis B cases, the Hepatitis B Foundation estimates that 90% of cases in infants (<1 year) will become chronic, 50% of cases in children (1-17 years), and 10% of cases in adults (18+ years). In 2003, almost all cases of chronic Hepatitis B reported to the Missouri Health Surveillance Information System (MOHSIS) were in adults. Assuming this age distribution will generally continue, OoS estimates that 10% of the estimated 1,551 annual cases of acute Hepatitis B in Missouri will become chronic, for an estimated total of 155 new cases of chronic Hepatitis B each year. [NOTE: From 2003 onwards, approximately 120 annual cases of chronic Hepatitis B have already been reported using MOHSIS.]

In general, approximately 25% of communicable disease reports received by the MDHSS come from public sources; such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of reports come from private sources; such as hospitals, hospital laboratories, private laboratories, private providers, and private schools.

PRIVATE ENTITY COST TO REPORT HEPATITIS B, CHRONIC = **\$449.89**. Private entity cost is calculated by: (a) 75% of reports received by MDHSS come from private sources; (b) it takes about 12 minutes to report each case, or 0.2 of the hourly salary of a Community Health Nurse II with a typical salary of \$36,960 (\$17.50 hour); and (c) postage of \$0.37 to mail each report, which overstates the expense since many reports will be sent electronically. The private entity cost is:

(c1)	(c2)	(c3)	(c4)	(c5)	(c6)	(c7)
Number of Cases per Year	0.2 times the Hourly \$ Rate	Total Salary Expense	Postage Rate	Total Postage Rate	Total Expense	Private Entity Expense
		= c1 x c2		= c1 x c4	= c3 + c5	= .75 * c6
155	\$3.50	\$543.00	0.37¢	\$57.35	\$599.85	\$449.89