

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 4—Vendor Payroll Deduction Regulations**

ORDER OF RULEMAKING

By the authority vested in the commissioner of administration under sections 33.103, 536.010 and 536.023, RSMo Supp. 2004 and 370.395, RSMo 2000, the commissioner amends a rule as follows:

1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2003 (28 MoReg 1557-1559). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Office of Administration received one hundred sixty (160) comments on this proposed amendment.

COMMENT: Approximately one hundred fifty (150) employees sent form letters in support of the proposed rule.

RESPONSE: No changes were made to the rule as a result of these comments.

COMMENT: Paula Bentley, Executive Director of AFSCME Council 72, wrote in support of the proposed rule. Ms. Bentley commented that the Office of Administration has the legal authority to deduct service fees. Ms. Bentley commented that all workers benefit from collective bargaining. Finally, Ms. Bentley commented that the "amount of the fee authorized by the rule change would be the actual pro rata costs of the union's services."

RESPONSE: The rule is a technical clarification and does not authorize a fee. The rule does not address a specific amount for deductions. No changes were made to the rule as a result of this comment.

COMMENT: Senator John Russell commented that the rule ignores the present law and constitutional right of state employees to join or refrain from joining a union. Senator Russell expressed concern over the impact of the rule on the Veteran's Preference. Senator Russell also commented the administration seems to be doing away with the selection of new employees through the Merit System and, also, that the Office of Administration miscalculated the cost to the public and private citizens.

RESPONSE: The commissioner of the Office of Administration formally responded to Senator Russell's concerns in a letter dated October 17, 2003. The response stated that the Veteran's Preference remains unaffected by this rule or current labor agreements and the Merit System would not be changed or impacted in any way as a result of the proposed rule. Finally, the response clarified that the fiscal note is indeed accurate as it is a technical clarification on automatic deductions fees. The printing costs of deductions relating to union activities should be borne by the union and there is only a de minimus cost to process the deductions. No changes were made to the rule as a result of this comment.

COMMENT: Associated Industries of Missouri incorporated by reference the comments of Secretary of State Matt Blunt's September 9, 2003 letter. Associated Industries requested a public hearing. Associated Industries commented that the rule might be construed to permit the state to require consent as a condition of employment. The organization commented that the amendment might permit the state to deduct service fees where the employee consents under duress. Finally, Associated Industries cites section 130.028.2, RSMo which prohibits an employer from receiving or causing to be made a contribution from its employees except on the advance voluntary permission of the employee.

RESPONSE: The rule does not compel payment as a condition of employment nor does the rule address employment conditions. The regulation is an accounting regulation that provides a technical clarification within our accounting regulations. A 2002 opinion issued by the Missouri Ethics Commission addressed the issue of whether the Office of Administration is compelled to adhere to section 130.028.3, RSMo and determined, based on *Carpenter v. King*, 679 S.W.2d 866 (1984), that the state is not compelled to do so. No changes were made to the rule as a result of this comment.

COMMENT: A Fulton State Hospital employee wrote to Secretary of State Matt Blunt in agreement with the secretary's position on union service fees. The employee commented that he felt that the unions had been imposed on the employees. The employee expressed concern over the recruitment and retention of professional staff. The employee's letter was not a direct comment on the rule, but a response to a September 10, 2003 article in the *Fulton Sun* in which the secretary of state discussed his position on the collection of service fees.

RESPONSE: Secretary Blunt responded to the employee and informed him that the employee's letter would be forwarded to Commissioner White for inclusion with comments received during the comment period. No changes were made to the rule as a result of this comment.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2004 (29 MoReg 1440). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.565 Licensed Hunting Preserve: Privileges is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2004 (29 MoReg 1440-1441). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-120.085 Re-inspection Fee is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1164-1166). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-120.135 New Manufactured Home Inspection Fee is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1167). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-121.185 Pre-Owned Manufactured Home Inspection is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1167). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-123.075 Modular Unit Inspection Fee is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1167). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 123—Modular Units**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-123.095 Re-inspection Fee is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1167-1169). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**

**Division 50—Division of School Improvement
Chapter 345—Missouri School Improvement Program**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092 and 168.081, RSMo Supp. 2003 and 162.081 and 167.131, RSMo 2000, the board adopts a rule as follows:

5 CSR 50-345.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1183-1185). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education received four (4) comments to the proposed rule. One (1) comment pertains to the rule and three (3) comments addressed the Standards and Indicators used by the Missouri School Improvement Program (MSIP) which are incorporated by reference into the rule.

COMMENT: The proposed rule will cost three hundred thirty-five thousand two hundred twenty dollars (\$335,220). The original rule included a yearly cost of two thousand six hundred sixty-four dollars (\$2,664) which should have been twenty-six thousand six hundred forty dollars (\$26,640).

RESPONSE AND EXPLANATION OF CHANGE: The State Board has redefined the cost of the rule. The changes in the rule and the public fiscal note have been made and reprinted here for clarity.

COMMENT: The Standards and Indicators do not incorporate standards for reviewing A+ Schools in accordance with MSIP.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that A+ School reviews should be conducted in accordance with MSIP. The State Board of Education has decided to add Standard 7.8 to the Standards and Indicators incorporated by reference: A+ designated high schools provide services to students in accordance with the requirements of the program. The change in the Standards and Indicators has been made and reprinted for clarity.

COMMENT: The following comments were received regarding Standard 6.9 that requires guidance as an integral part of the instructional program.

- In Indicator 6.9.1, guidance is not a “plan” it is a “program” just as math, science, business education, and health. Guidance is a written program aligned with Comprehensive School Improvement Plan (CSIP) goals and student data. “Comprehensive evaluation plan” makes it clearer as to what should be addressed.
- In Indicator 6.9.2, the curriculum needs to be “reviewed” annually, not necessarily “revised” annually. Any curriculum modifications made are based on relevant school data and the needs assessment as needed.
- In Indicator 6.9.3, there should be an emphasis on having a written education and career plan for all students.
- Indicator 6.9.4, should reflect the revised content standards which are aligned with the American School Counselor Association national standards.
- Indicator 6.9.5, should reflect that a comprehensive evaluation plan must look at program implementation, personnel, and program results.

RESPONSE AND EXPLANATION OF CHANGE: Based upon the comments, the State Board of Education has decided to change the wording for Standards and Indicators 6.9.1, 6.9.2, 6.9.3, and 6.9.4 of the Integrated Standards and Indicators incorporated by reference. The changes in the Standards and Indicators have been made and reprinted for clarity. The suggestion to add “Comprehensive Evaluation Plan” to Indicator 6.9.5 is redundant, as it is already included in Indicator 6.9.1.

COMMENT: The following comments were submitted on behalf of feedback from school district administrators and department staff:

- Replace instructional “strategies” with instructional “activities” in Indicator 6.1.1.
- Renumber the indicators in Standard 6.2, 6.3, and 6.7 in order of broad topics followed by subtopics.
- Delete Standard 6.3.1 because it is covered in and is more appropriately placed in Standard 6.7.1.
- Include “socio-economic status” as a disaggregated group in Standard 6.2.3.
- Move Standard 6.3.4 to 6.2.2.
- Replace “accept responsibility” with “are accountable” in Standard 6.5.2.
- Standard 8.1.2 requires districts to conduct follow-up studies of its graduates during one (1) of the first two (2) years and the fifth year following graduation, and to conduct surveys of employers and colleges regarding how well the district has prepared students for work or postsecondary education. It is very time intensive and costly for districts to conduct two (2) follow-up studies on each of their graduates, and the data they collect beyond the second year after graduation is very minimal and often unreliable.
- Delete Standard 8.3.5 as it is included in 8.7.5.
- Update the foreword, introduction, and the information pertaining to updating Core Data.

RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education agrees to accept the renumber changes to Standards 6.2, 6.3, and 6.7, to move standard 6.3.4 to 6.2.2, and to delete Standards 8.3.5 and 6.3.1 in the Integrated Standards and Indicators incorporated by reference. The State Board of Education has decided to change the wording of Standards 6.1.1, 6.2.3, 6.5.2, and 8.1.2, as well as the foreword, introduction, and section pertaining to Core Data updates in the Integrated Standards and Indicators incorporated by reference. The changes in the Standards and Indicators have been made and reprinted for clarity.

5 CSR 50-345.100 Missouri School Improvement Program

(1) This rule is to be effective July 1, 2006, and incorporated by reference and made a part of this rule the Missouri School Improvement Program (MSIP) Standards and Indicators Manual which is com-

prised of qualitative and quantitative standards for school districts. As referenced in the MSIP Standards and Indicators Manual, the standards are organized in three (3) sections—Resource Standards, Process Standards and Performance Standards. The standards are supported by appendices which include: the minimum graduation requirements, media standards for school learning resource centers, teacher certification requirements and assessment program standards. Anyone interested in viewing or requesting a copy of the MSIP Manual (Revised September 2004) may contact the School Improvement and Accreditation Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480.

(2) During each year, the Department of Elementary and Secondary Education (DESE) will select school districts which will be reviewed and classified in accordance with this rule, including the standards, with the appropriate scoring guide and forms and procedures outlined in the annual MSIP.

(3) The State Board of Education (board) will assign classification designations of unaccredited, provisionally accredited and accredited based on the standards of the MSIP.

(4) As a condition of receiving a classification designation other than unaccredited, each school district reviewed under MSIP must file, within sixty (60) days of the board's decision, a school improvement plan in a form specified by DESE and implement it in accordance with a specified schedule approved by DESE.

(5) A school district's classification designation based on the standards of the MSIP will remain in effect until the board approves another designation. The board may consider changing a district's classification designation after its regularly scheduled review or upon its determination that the district has:

(A) Failed to implement its school improvement plan at an acceptable level;

(B) Implemented its school improvement plan substantially and, therefore, may qualify for a higher classification designation;

(C) Employed a superintendent or chief executive officer without a valid Missouri superintendent's certificate in a K-12 school district; or employed a superintendent or chief executive officer without a valid Missouri superintendent's or elementary principal's certificate in a K-8 school district; and/or

(D) Altered significantly the scope or effectiveness of the programs, services or financial integrity upon which the original classification designation was based.

(6) A school district designated unaccredited by the board under the provisions of this rule will be liable for tuition and transportation for resident students legally transferring to another district pursuant to applicable state laws and regulations from the date of the action by the board through the end of the school year during which the board awards the district a designation of provisionally accredited or higher.

(7) Any school district which on June 30, 1997, or thereafter, has been classified unaccredited by the board in two (2) successive years will be subject to lapsing, pursuant to applicable state laws and regulations. A school district that is classified as unaccredited shall lapse on June 30 of the second full year after the school year during which the unaccredited classification is initially assigned.

(8) A school district designated provisionally accredited twice sequentially or a school district designated provisionally accredited after being unaccredited will be designated provisionally accredited for three (3) years, at which time a re-review will be conducted. A district's accreditation designation may not be raised more than one (1) level during a re-review.

(A) The board may lower a district's accreditation if a district fails to gain full accreditation after being designated provisionally accred-

ited twice sequentially; or after being designated provisionally accredited after being unaccredited and the district fails to make significant or consistent improvement in student achievement in order to gain accreditation.

(9) The board of education of any school district which is dissatisfied with the classification designation assigned by the board may request a hearing before the commissioner of education for the purpose of showing cause why its classification designation should be reconsidered. Each request must be submitted in writing within thirty (30) days of the board's classification designation, setting forth the specific reasons for the request, including any errors of fact upon which the board relied in making the classification designation. If the commissioner of education agrees that sufficient cause has been shown, s/he will request the board to reconsider the district's classification designation together with the additional or corrected information.

REVISED PUBLIC COST: This proposed rule is estimated to cost school districts three hundred thirty-five thousand two hundred twenty dollars (\$335,220) per year for the life of the rule and Department of Elementary and Secondary Education two hundred twenty thousand five hundred thirty-eight dollars (\$220,538) per year for the life of the rule with a combined total of five hundred fifty-five thousand seven hundred fifty-eight dollars (\$555,758) per year for the life of the rule.

**REVISED FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 50 - School Improvement

Chapter: 345 - Missouri School Improvement Program

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 50-345.100 Missouri School Improvement Program

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public Elementary & Secondary School Districts	\$335,220 per year for the life of the rule
Department of Elementary & Secondary Education	\$220,538 per year for the life of the rule

III. WORKSHEET

For the purposes of this fiscal note, districts are classified into four (4) categories based upon student population and staff size. Public entity cost for public school district is based upon estimates of district staff participation. The number of visits is estimated over the MSIP 4th Cycle, taking into consideration staff interviews and document preparation.

District Category Size	Visits	Team Size	District Cost	Yearly Cost
1	2	60	\$13,320.00	\$ 26,640.00
2	3	30	\$ 6,660.00	\$ 19,980.00
3	60	15	\$ 3,330.00	\$199,800.00
4	40	10	\$ 2,220.00	\$ 88,800.00
				\$335,220.00

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 345—Missouri School Improvement Program**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.518, 160.545 and 161.092, 163.031, RSMo Supp. 2004 and 161.210, RSMo 2000, the board adopts a rule as follows:

5 CSR 50-345.200 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1186-1187). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education received (1) comment related to the proposed rule.

COMMENT:

- The proposed regulation does not clearly state what parts of the MSIP review are waived as a result of the school and/or district meeting the prescribed conditions. Some sections describe waivers of the on-site MSIP review while other sections merely offer “waivers.”
- Three (3) of the waivers are titled based on what the district/school must do to receive the waivers. Only subsection (1)(A) (MSIP On-Site Review) is titled for what is waived.
- The Hold Harmless waiver rule does not appear to be congruent with the Hold Harmless statute. The Hold Harmless statute provides Hold Harmless school districts with a summary waiver of “pupil testing requirements.” We believe that requiring districts to meet the prescribed performance standards contradicts the districts’ waiver regarding pupil testing.
- Clarify what is waived for an A+ High School that obtains a waiver under the proposed regulation.
- It is unclear where the term “exemplary school” originated. Statute 160.518.3 creates “Outstanding Schools Waivers” for schools that meet certain student performance criteria at exemplary levels.
- Remove the requirements in proposed sections (1)(C) and (1)(D) that require the school not be designated as a Priority School. The state will need to adopt a regulation actually defining “Priority School.” It is improper to deny a school a waiver for being labeled a “Priority School” when the school does not know what factors are considered when naming Priority Schools.
- Rename the MSIP On-Site Waiver to Performance Waiver.
- Change the waiver definition for Hold Harmless districts to include “a waiver of all aspects of the MSIP review process.”
- The “Waiver Checklist” title is misleading. The term checklist would seem to indicate that the standards and indicators that follow must be met in order to obtain a waiver.
- The “Application” section of the proposed regulation conveys that districts and schools must apply for the MSIP waivers. However, the actual wording indicates that waivers are granted by the commissioner, not applied for.
- Change the language for waiver criteria to “shall be granted a waiver of their next scheduled on-site MSIP review and Standards and Indicators review, except for the mandatory standards and indicators listed in section (3).”
- Change the title of the rule to “Standards and Indicators that May Not be Waived.”

RESPONSE AND EXPLANATION OF CHANGE: All of the waivers outlined in the rule are on-site MSIP review waivers and are named based upon the level at which the waiver is granted (district or school) and based upon the additional criteria required for a waiv-

er to be granted at the school level. The waiver rule indicates that all of the MSIP on-site review process and all standards and indicators are waived, except those standards and indicators for which the district must be in statutory compliance (listed on the waiver checklist). The department agrees “Exemplary Schools Waiver” should be named the “Outstanding Schools MSIP Waiver” in keeping with statutory language. The State Board declines to allow Priority Schools to receive an MSIP waiver. The rule governing Priority Schools is currently in development and will correspond with the waiver rule. The department continues to increase the emphasis on student performance as part of MSIP and will not waive any performance standards. The term “Hold Harmless” used in the waiver rule is in conflict with the common term referring to the financial identification of districts as “Hold Harmless.” Therefore, the department has concluded that the “Hold Harmless Waiver” shall be changed to “Other Waiver.” The State Board declines to change the title to “Standards & Indicators that May Not be Waived.” Based on the comment, the State Board agrees to reword the waiver rule to clarify the different types of waivers and their outcomes.

5 CSR 50-345.200 Waivers of Regulations

(1) This rule contains four (4) types of Department of Elementary and Secondary Education (DESE) waivers of regulations which may be granted to schools or school districts: School District Missouri School Improvement Program (MSIP) Waiver, A+ High School MSIP Waiver, Outstanding School MSIP Waiver, and Other Waiver. This rule is to be effective July 1, 2006. Districts or schools qualifying for these waivers are exempt from the MSIP on-site review process and MSIP Resource and Process Standards and Indicators not listed in the Waiver Checklist. The area supervisor will visit districts or schools that qualify for an MSIP Waiver to verify compliance with the Standards and Indicators listed in the Waiver Checklist.

(A) School District MSIP Waiver.

1. Qualifications include:

A. The district achieved accreditation in the most recent MSIP review and is accredited at the highest level as defined by MSIP and has no Missouri Assessment Program (MAP) scores at or below the established floor based upon the two (2) latest DESE generated Annual Performance Reports (APR); and

B. The district is in compliance with all Resource and Process Standards and Indicators listed in the Waiver Checklist.

2. If a district fails to meet the waiver criteria or the district no longer complies with the specific laws and rules referred to in the Waiver Checklist, the district will be scheduled for an on-site review.

(B) A+ High School MSIP Waiver.

1. Schools may qualify for an MSIP waiver when the district does not, if the school meets the following qualifications:

A. The school is currently designated as A+;

B. The school agrees to administer the MSIP Advance Questionnaire;

C. The school is in compliance with all Resource and Process Standards and Indicators listed in the Waiver Checklist; and

D. The school is not designated a Priority School.

(C) Outstanding School MSIP Waiver.

1. Schools may qualify for an MSIP waiver when the district does not, if the school meets the following qualifications:

A. The school meets at least one (1) more than half of the possible MAP scoring options at a high level for three (3) successive years;

B. The school meets at least one (1) more than half of all other MSIP performance indicators at a high level for three (3) successive years;

C. The school has no MAP scores at or below the established floor;

D. The school is not designated a Priority School.

2. The school's Outstanding School designation will be valid until June 30 of the year in which the school is determined to not meet items listed above.

(D) Other Waiver.

1. Districts that meet the financial qualifications identified in state law may receive a waiver of rules in order to promote flexibility in the operations of the delivery of instructional services.

(2) Waiver Checklist.

(A) School districts or schools which meet the waiver criteria outlined in subsection (1)(A) must meet all of the Resource and Process Standards and Indicators outlined in the Waiver Checklist below in order to qualify for a waiver related to MSIP.

1. The following MSIP *Resource Standards and Indicators* will not be waived:

A. The state high school graduation requirements;

B. Regular instruction in *United States* and *Missouri Constitutions*, as well as American History and Institutions, must be provided, and all students must pass at least a half unit of credit course in the institutions, branches, and functions of federal, state and local governments and in the electoral process, as required by state law; and

C. All administrators and teachers must be appropriately certificated to teach in Missouri public schools.

2. The following MSIP *Process Standards and Indicators* will not be waived:

A. The district must have cross-referenced all curricular areas to the Show-Me Standards;

B. The district reports school dropouts to the Missouri Literacy Hot Line;

C. The district meets state and federal special education requirements for students with disabilities, economically disadvantaged students, migratory children, students whose native or home language is other than English and homeless youth;

D. The district complies with all regulations of the state and federal categorical programs in which the district participates;

E. The district distributes a student code of conduct and provides a protected, orderly environment;

F. The district provides professional development programs and services as required by state law;

G. Board of education members must be trained as prescribed by state law;

H. The district meets the salary compliance and the minimum salary requirements as defined in state law. This does not apply to "hold harmless" districts;

I. The district's community, through the board of education, provides sufficient financial resources and the district is not identified as a "financially stressed district";

J. The district annually reviews its Comprehensive School Improvement Plan (CSIP) and updates it if necessary;

K. The district provides a safe physical environment for students;

L. The district implements effective and efficient fiscal management systems that ensure accountability of district funds;

M. The district maintains and regularly updates cumulative health records for all students, including immunizations as required by state law; and/or

N. The district complies with all laws related to the transportation of students.

3. No MSIP Performance Standards will be waived.

4. No Priority Schools will be waived.

5. No Financially Stressed districts will be waived.

(3) A district or school which meets the performance criteria for any of the above four (4) waivers will be so notified by the commissioner of education. The district must either accept or decline the waiver within four (4) weeks after notification; except those districts which qualify for the A+ High School MSIP Waiver, which must accept or decline that waiver by October 1 of the year of the scheduled MSIP review.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 70—Special Education
Chapter 742—Special Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2003 and 162.685, RSMo 2000, the board hereby amends a rule as follows:

5 CSR 70-742.140 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. Between August 30 and September 8, 2004, the Division of Special Education conducted five (5) public hearings regarding proposed changes to the Part B State Plan implementing the Individuals with Disabilities Education Act (IDEA). The hearings were conducted in Springfield, Cape Girardeau, Wentzville, Kansas City, and Columbia.

This rule becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's services for children with disabilities, in accordance with Part B of the Individuals with Disabilities Education Act (IDEA).

5 CSR 70-742.140 Individuals with Disabilities Education Act, Part B. This order of rulemaking adds subsection (2)(L) and amends the incorporated by reference material, *Regulations Implementing Part B of the Individuals with Disabilities Education Act*.

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) The content of this state plan for the Individuals with Disabilities Education Act (IDEA), Part B, which is hereby incorporated by reference and made a part of this rule, meets the federal statute and Missouri's compliance in the following areas. Anyone interested in viewing or requesting a copy of the IDEA, Part B may contact the Special Education Compliance Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(L) "Severely Handicapped" Students and Contracted Placement Reimbursement (SHCPR):

1. Criteria for Identification as Severely Handicapped;
2. SHCPR Application Process;
3. Students Ineligible for SHCPR;
4. Dispute Resolution/Due Process Hearing Rights/Parent Challenge;
5. Dispute Resolution/Appeal/LEA Challenge;
6. IEP Meeting Participation; and
7. Integration Activities.

AUTHORITY: sections 161.092, RSMo Supp. 2003 and 162.685, RSMo 2000. Original rule filed April 11, 1975, effective April 21, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 15, 2004.

PUBLIC COST: The public cost for this order of rulemaking is estimated to be \$22,268,000 for Fiscal Year 2005, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly, the United States Congress, and local tax.

**FISCAL NOTE
 PUBLIC COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
 Division: 70 - Division of Special Education
 Chapter: 742 - Special Education
 Type of Rulemaking: Order of Rulemaking
 Rule Number and Name: 5 CSR 70-742.140 Individuals with Disabilities Education Act,
 Part B

II. SUMMARY OF FISCAL IMPACT

The public cost of this order of rulemaking for the Department of Elementary and Secondary Education is estimated to be \$22,268,000 for Fiscal Year 2005, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly, the United State Congress, and local tax.

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
The following public agencies that provide special education services to children and youth with disabilities are affected by this rule. 524 local school districts Charter Schools	\$22,268,000

III. WORKSHEET

Expenses	Amount
Local	-
State	\$22,268,000
Federal	
Administrative Costs	
Project Total	\$22,268,000

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 178.600, 178.610 and 178.620, RSMo 2000 and 161.092, RSMo Supp. 2003, the board amends a rule as follows:

5 CSR 90-5.400 Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1187). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 178.600, 178.610 and 178.620, RSMo 2000 and 161.092, RSMo Supp. 2003, the board amends a rule as follows:

5 CSR 90-5.460 Vehicle Modification is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1187-1188). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 178.600, 178.610 and 178.620, RSMo 2000 and 161.092, RSMo Supp. 2003, the board adopts a rule as follows:

5 CSR 90-5.470 Self-Employment is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1188-1191). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.201 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1096). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) person commented in support of the proposed amendment.

COMMENT: One (1) person stated the subsection (4)(F) refers specifically to the Initial Standardized Assessment Protocol. Language in other sections of the standards refer to assessment instruments designated by the department. The recommendation was to be consistent in language and not list the current tool by name.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has revised the amendment accordingly.

9 CSR 30-3.201 Substance Abuse Traffic Offender Programs

(4) Types of Programs. The department shall recognize and certify the following types of Substance Abuse Traffic Offender Programs:

(F) Clinical Intervention Programs (CIP) which provide intervention, education, and long-term counseling for offenders who are identified through the assessment screening process as having alcohol and/or other substance abuse problems and who are not eligible for traditional residential treatment or traditional intensive outpatient services. A Clinical Intervention Program shall provide fifty (50) hours of therapeutic activity for each offender including two (2) hours of the assessment designated by the department, eight (8) hours of individual counseling, twenty (20) hours of group counseling and twenty (20) hours of group education. Ten (10) of the required fifty (50) hours must specifically address the issue of drinking and driving; and

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

**9 CSR 30-3.202 SATOP Administration and
Service Documentation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1096). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) person commented in support of the proposed amendment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.204 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1097). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) person commented in support of the proposed amendment.

COMMENT: One (1) person stated that the subsection (1)(D) refers to a "Registered Alcohol and Drug Abuse Counselor" and the correct title is "Recognized Alcohol and Drug Abuse Counselor."

RESPONSE: The department agrees and has revised the amendment accordingly.

9 CSR 30-3.204 SATOP Personnel

(1) Qualifications of Staff. The program shall have qualified staff.

(D) A person designated as a Recognized Alcohol and Substance Abuse Counselor II (RASAC II) by the Missouri Substance Abuse Counselors' Certification Board, Inc. may be granted qualified instructor status.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.206 SATOP Program Structure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1097-1099). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) person commented in support of the proposed amendment.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.208 SATOP Supplemental Fee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1099-1100). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) person commented in support of the proposed amendment.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805, 313.807 and 313.817, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.180 Tournament Chips and Tournaments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 16, 2004 (29 MoReg 1246). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission adopts a rule as follows:

11 CSR 45-5.181 Giveaways and Promotions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 2004 (29 MoReg 1246-1247). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under

sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.290 Bingo Games is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 16, 2004 (29 MoReg 1247). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and
Training Program
Chapter 1—Administration
ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 590.110, RSMo Supp. 2003, the director amends a rule as follows:

11 CSR 75-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1314). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and
Training Program
Chapter 13—Peace Officer Licenses
ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.020.2, 590.030.6 and 590.040.2, RSMo Supp. 2003, the director amends a rule as follows:

11 CSR 75-13.010 Classification of Peace Officer Licenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1315). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and
Training Program
Chapter 15—Continuing Education
ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 590.050.1, RSMo Supp. 2003, the director amends a rule as follows:

11 CSR 75-15.010 Continuing Education Requirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1315). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility
ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 303.290, RSMo 2000, the director amends a rule as follows:

12 CSR 10-25.040 Posting Real Estate Bonds as Security for an Accident is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1315). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan
ORDER OF RULEMAKING**

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1090, RSMo 2000 and 50.1250, RSMo Supp. 2003, the board amends a rule as follows:

16 CSR 50-10.070 Vesting and Service is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 16, 2004 (29 MoReg 1247). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions**

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Northland Teachers Community Credit Union 6604 N. Oak Trafficway Gladstone, MO 64118	Persons who are living or working in the zip codes of 64153 & 64154.

**MISSOURI DIVISION OF CREDIT UNIONS
APPLICATION TO EXPAND THE FIELD OF MEMBERSHIP OF NORTHLAND TEACHERS COMMUNITY CREDIT UNION**

FINDINGS OF FACT AND CONCLUSIONS OF LAW


1. The application to expand the field of membership was received by the Director, Division of Credit Unions on September 10, 2004.
2. The application was submitted in the required format and on September 15, 2004 was deemed to be complete.
3. Northland Teachers Community Credit Union formerly Clay County Teachers Credit Union by resolution of their Board of Directors adopted November 18, 2003 will expand their field of membership only by geographic areas (RSMo 370.081.4; 370.080.2).
4. As found in the application. Northland Teachers Community Credit Union applied to expand their field of membership to persons who are living or working Zip Codes 64153 and 64154. The total population of Zip Code 64153 and 64154 as determined by the 2000 U.S. Census of Platte County is 8,210. Therefore provisions of RSMo 370.081.2 and 4 CSR 105-3.040 Exemptions from Limitations on Groups are applicable.
5. The Credit Union Commission took action by motion during their April 13, 2004 meeting to find the geographic area of Platte County which contains the Zip Codes 64153 and 64154 meets the criteria of 4 CSR 105-3.040 for an exemption from the limitations on groups.

6. After review of Northland Teachers Community Credit Union's most recent Supervisory Examination Report and the June 2004 call report, the Director is satisfied that this credit union is operating in a safe and sound manner and there are no adverse conditions or regulatory concerns. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(A)).

7. Northland Teachers Community Credit Union's net worth as reported on the June 2004 call report is 11.94%. The Director finds that Northland Teachers Community Credit Union is adequately capitalized. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(B)).

8. After review of Northland Teachers Community Credit Union's business plan submitted as part of the field of membership application, the June 2004 call report, and the most recent Supervisory Examination Report, the Director finds this credit union has the administrative capability and the financial resources to serve the proposed group. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(C)).

9. The Director finds that no evidence was submitted as part of the application nor is the Director in possession of any information that any other group is interested in forming a new credit union to serve this group. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(D)).


John P. Smith, Director
Division of Credit Unions

11-15-04
Date

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions**

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Edison Credit Union 4200 E. Front Kansas City, Mo 64120	Active or retired employees of Lippert Mechanical, Lucky International Trading, Holiday Inn-North Kansas City, Southwest Technologies, Inc. and Hantover

**MISSOURI DIVISION OF CREDIT UNIONS
APPLICATION TO EXPAND THE FIELD OF MEMBERSHIP
OF EDISON CREDIT UNION**

**FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

1. The application to expand the field of membership was received by the Director, Division of Credit Unions on September 24, 2004.
2. The application was submitted in the required format and on September 27, 2004 deemed to be complete.
3. Edison Credit Union by resolution of their Board of Directors dated September 23, 2003 with said resolution submitted with the field of membership application, will expand their field of membership only by employee groups (RSMo 370.081.4; 370.080.2).
4. The application to expand the Edison Credit Union's field of membership is for active or retired employees of Lucky International Trading, Inc., Lippert Mechanical, Holiday Inn – North Kansas City, Hantover and Southwest Technologies. According to the application, there are approximately 355 employees within the applicant groups; therefore provisions of RSMo 370.081.2 and 4 CSR 105-3.040 Exemptions from Limitations on Groups are not applicable.
5. After review of Edison Credit Union's most recent Supervisory Examination Report and the June 2004 call report, the Director is satisfied that the credit union is operating in a safe and sound manner and there are no adverse conditions or regulatory concerns. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(A)).
6. Edison Credit Union's net worth as reported on the June 2004 call report is 11.67%. The Director finds Edison Credit Union is adequately capitalized. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(B)).
7. After review of Edison Credit Union's business plan submitted as part of the field of membership application, the June 2004 call report, and the most recent Supervisory Examination Report, the Director finds this credit union has the administrative capability and the financial resources to serve the proposed groups. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(C)).
8. That the formation of a separate credit union by these small groups is not practical and consistent with reasonable standards for the safe and sound operation of a credit union. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(D)).


 John P. Smith, Director
 Division of Credit Unions

11-15-04
 Date

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for December 23, 2004. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

11/10/04

#3701 RS: Silver Creek Assisted Living
Joplin (Newton County)
\$1,700,000, Renovate facility

#3699 NS: Alexian Brothers Sherbrooke Village
St. Louis (St. Louis County)
\$2,307,000, Renovate facility

11/12/04

#3704 NS: Senior Citizens Nursing Home District of
Ray County
Richmond (Ray County)
\$279,284, Long-term care bed expansion through the
purchase of 16 skilled nursing facility beds from
Harry S Truman Restorative Center, St. Louis

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by December 13, 2004. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for January 24, 2005. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

11/10/04

#3695 HS: Central Care, P.A.
Bolivar (Polk County)
\$3,000,000, Acquire linear accelerator

11/12/04

#3711 HS: Lee's Summit Hospital
Lee's Summit (Jackson County)
\$88,387,286, Establish 64-bed acute care hospital

#3706 RS: Livingston County Nursing Home District
Chillicothe (Livingston County)
\$663,000, Add 7 residential care facility (RCF) II beds

#3703 RS: Living Community of St. Joseph
St. Joseph (Buchanan County)
\$4,864,400, Establish 32-bed RCF II

#3709 FS: South County PET Imaging, LLC
St. Louis (St. Louis County)
\$1,908,530, Replace positron emission tomography (PET) unit

#3702 HS: Western Missouri Medical Center
Warrensburg (Johnson County)
\$1,990,406, Replace magnetic resonance imaging (MRI) unit

#3710 FS: MIA of St. Charles County LLC
St. Charles (St. Charles County)
\$1,952,152, Acquire PET/CT

#3708 HS: Rehabilitation Hospital of St. Louis
Chesterfield (St. Louis County)
\$18,250,408, Establish 50-bed rehabilitation hospital

#3650 FS: MEG Associates of St. Louis LLC
St. Louis (St. Louis City)
\$2,754,118, Establish magneotoencephalography unit

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by December 15, 2004. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
UNITED MEDICAL MART, INC.**

On September 20, 2004, UNITED MEDICAL MART, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on September 20, 2004.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

UNITED MEDICAL MART, INC.
Attn: Richard May
10700 Kahlmeyer
St. Louis, MO 63132

Or

Anthony J. Soukenik, Esq.
Sandberg, Phoenix & von Gontard P.C.
One City Centre, 15th Floor
St. Louis, MO 63101

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of UNITED MEDICAL MART, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
UNITED MEDICAL ACCESS, INC.**

On September 20, 2004, UNITED MEDICAL ACCESS, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on September 20, 2004.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

UNITED MEDICAL ACCESS, INC.
Attn: Richard May
10700 Kahlmeyer
St. Louis, MO 63132

Or

Anthony J. Soukenik, Esq.
Sandberg, Phoenix & von Gontard P.C.
One City Centre, 15th Floor
St. Louis, MO 63101

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of UNITED MEDICAL ACCESS, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003) and 29 (2004). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861 29 MoReg 1610
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557	This Issue	
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		29 MoReg 1513		
1 CSR 20-5.025	Personnel Advisory Board and Division of Personnel		29 MoReg 1513		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health	29 MoReg 1417	29 MoReg 1437		
2 CSR 30-2.060	Animal Health				29 MoReg 1480
2 CSR 30-6.020	Animal Health	29 MoReg 1418	29 MoReg 1438		
2 CSR 30-10.010	Animal Health			This Issue	
2 CSR 30-22.010	Animal Health			This Issue	
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- 2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri 29 MoReg 1417 March 1, 2005
- 2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri January 18, 2005 May 31, 2005
- 2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian 29 MoReg 1418 March 1, 2005

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- 4 CSR 45-1.010 Fees 29 MoReg 1420 March 7, 2005

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- 9 CSR 10-31.014 Waiver of Standard Means Test for Children in Need of Mental Health Services 29 MoReg 1507 March 13, 2005

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- 9 CSR 30-3.132 Opioid Treatment Program This Issue May 16, 2005

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- 9 CSR 45-2.015 Criteria for MRDD Comprehensive Waiver Slot Assignment 29 MoReg 1635 April 15, 2005

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- 11 CSR 40-3.010 Fireworks—Licenses, Sales and Penalties 29 MoReg 1420 March 7, 2005
- 11 CSR 40-3.010 Fireworks—Licensing, Permits, Sales, Inspection, and Penalties 29 MoReg 1420 March 7, 2005

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- 11 CSR 50-2.311 Bumpers 29 MoReg 1426 March 9, 2005
- 11 CSR 50-2.320 School Bus Inspection 29 MoReg 1428 March 9, 2005

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- 13 CSR 35-80.010 Residential Foster Care Maintenance Methodology 29 MoReg 1636 March 30, 2005
- 13 CSR 35-80.020 Residential Care Agency Cost Reporting System 29 MoReg 1637 March 30, 2005

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- 13 CSR 40-2.375 Medical Assistance for Families 29 MoReg 1089 December 27, 2004
- 13 CSR 40-19.020 Low Income Home Energy Assistance Program 29 MoReg 1637 April 1, 2005

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- 13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services 29 MoReg 1155 December 15, 2004
- 13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services 29 MoReg 1156 December 15, 2004
- 13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) 29 MoReg 1508 March 18, 2005

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- 15 CSR 30-54.215 Accredited Investor Exemption 29 MoReg 1428 March 9, 2005
- 15 CSR 30-54.215 Accredited Investor Exemption 29 MoReg 1428 March 9, 2005

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- 15 CSR 40-3.120 Calculation and Revision of Property Tax Rates 29 MoReg 1639 April 1, 2005
- 15 CSR 40-3.130 Calculation and Revision of Property Tax Rates by School Districts Calculating a Separate Tax Rate for Each Sub-Class of Property 29 MoReg 1639 April 1, 2005
- 15 CSR 40-3.140 Calculation and Revision of Property Tax Rates by School Districts that Calculate a Single Property Tax Rate Applied to All Property 29 MoReg 1651 April 1, 2005
- 15 CSR 40-3.150 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts Calculating a Separate Property Tax Rate for Each Sub-Class of Property 29 MoReg 1661 April 1, 2005
- 15 CSR 40-3.160 Calculation and Revision of Property Tax Rates by Political Subdivision Other Than School Districts that Calculate a Single Property Tax Rate Applied to All Property 29 MoReg 1673 April 1, 2005

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- 15 CSR 60-14.010 Definitions 29 MoReg 1508 March 10, 2005
- 15 CSR 60-14.020 Contract Procedures 29 MoReg 1509 March 10, 2005
- 15 CSR 60-14.030 Documentation of Legal Practice 29 MoReg 1509 March 10, 2005

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Division of Environmental Health and Communicable Disease Prevention

19 CSR 20-3.080	Description of Persons Qualified to Perform Percolation Tests, Soils Morphology Examinations in Determining Soil Properties for On-Site Sewage Disposal Systems and Installation of On-Site Wastewater Treatment Systems	29 MoReg 1510.	March 10, 2005
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Executive Orders	Subject Matter	Filed Date	Publication
2004			
04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533
04-10	Grants authority to Director of Department of Natural Resources to temporarily waive regulations during periods of emergency and recovery	May 28, 2004	29 MoReg 965
04-11	Declares regional state of emergency because of the need to repair electrical outages by various contractors, including a Missouri contractor. Allows temporary exemption from federal regulations	May 28, 2004	29 MoReg 967
04-12	Declares emergency conditions due to severe weather in all Northern and Central Missouri counties	June 4, 2004	29 MoReg 968
04-13	Declares June 11, 2004 to be day of mourning for President Ronald Reagan	June 7, 2004	29 MoReg 969
04-14	Establishes an Emancipation Day Commission. Requests regular observance of Emancipation Proclamation on June 19	June 17, 2004	29 MoReg 1045
04-15	Declares state of emergency due to lost electrical service in St. Louis region	July 7, 2004	29 MoReg 1159
04-16	Orders a special census be taken in the City of Licking	July 23, 2004	29 MoReg 1245
04-17	Declares that Missouri implement the Emergency Mutual Aid Compact (EMAC) agreement with the State of Florida	August 18, 2004	29 MoReg 1347
04-18	Accepts retrocession of federal jurisdiction over the St. Louis Army Ammunition Plant	August 25, 2004	29 MoReg 1349
04-19	Implements the EMAC with the State of Florida, activates the EMAC plan, and authorizes the use of the Missouri National Guard	September 10, 2004	29 MoReg 1430
04-20	Reestablishes the Poultry Industry Committee	September 14, 2004	29 MoReg 1432
04-21	Directs the creation of the Forest Utilization Committee within the Missouri Department of Conservation	September 14, 2004	29 MoReg 1434
04-22	Requests health care providers limit influenza vaccinations to high risk persons. Orders various actions by providers, Missouri Department of Health and Senior Services, and Attorney General's Office regarding influenza vaccine supply.	October 25, 2004	29 MoReg 1683
04-23	Creates the Forest Utilization Committee within the Missouri Department of Conservation. Supersedes and rescinds Executive Order 04-21	October 22, 2004	29 MoReg 1685
04-24	Rescinds Executive Order 03-15	October 22, 2004	29 MoReg 1687
04-25	Rescinds Executive Order 03-27	October 22, 2004	29 MoReg 1688
04-26	Authorizes Adjutant General to recognize Noncommissioned Officers with a First Sergeant's ribbon	November 1, 2004	29 MoReg 1791
04-27	Closes state offices Friday November 26, 2004	November 1, 2004	29 MoReg 1792
04-28	Closes state offices Monday, January 10, 2005	December 6, 2004	This Issue

2003

03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631

Executive Orders	Subject Matter	Filed Date	Publication
03-08	Lists Governor's staff who have supervisory authority over departments	September 4, 2003	28 MoReg 1556
03-09	Lists Governor's staff who have supervisory authority over departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
03-12	Declares disaster areas due to May 4 tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to assist in areas harmed by the May 4 tornadoes	May 5, 2003	28 MoReg 952
03-14	Temporarily suspends enforcement of environmental rules due to the May 4th [et al.] tornadoes	May 7, 2003	28 MoReg 954
03-15	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477
03-16	Establishes the Missouri Commission on Patient Safety	October 1, 2003	28 MoReg 1760
03-17	Creates the Governor's Committee to End Chronic Homelessness	October 8, 2003	28 MoReg 1899
03-18	Designates the Missouri State Highway Patrol within the Department of Public Safety as lead agency in state communications	December 10, 2003	29 MoReg 7
03-19	Creates the Public Safety Communications Committee	December 10, 2003	29 MoReg 9
03-20	Requires configuration of two-way radios used by agencies of the state of Missouri to include established interoperability channels as specified by the State Interoperability Executive Committee	December 10, 2003	29 MoReg 12
03-21	Closes state offices Friday, November 28 and Friday, December 26, 2003	October 24, 2003	28 MoReg 1989
03-22	Establishes the Missouri Sexual Offender Registration Task Force	December 10, 2003	29 MoReg 14
03-23	Adds the functions of a State Citizen Council to the Disaster Recovery Partnership	December 10, 2003	29 MoReg 16
03-24	Establishes the Governor's Commission on Hispanic Affairs	November 8, 2003	28 MoReg 2085
03-25	Requires state agencies to adopt cyber security policies and procedures. Designates the Office of Information Technology as principal forum to improve policies and procedures	December 10, 2003	29 MoReg 18
03-26	Reestablishes the Office of Information Technology as the mechanism for coordinating information technology initiatives for the state	December 10, 2003	29 MoReg 21
03-27	Use of Missouri products and services	December 2, 2003	28 MoReg 2209

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