

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 5—Fees**

PROPOSED RULE

4 CSR 250-5.040 Application Fees for School Accreditation and Course Approval

PURPOSE: This rule establishes application and course approval fees.

- (1) The following fees are established for school accreditation:
- | | |
|--|-------|
| (A) Initial School Accreditation Application Fee | \$200 |
| (B) Course Approval Application Fee for courses over twelve (12) hours (per course per delivery method) | \$400 |
| (C) Course Approval Application Fee for courses less than or equal to twelve (12) hours (per course per delivery method) | \$100 |
| (D) School Accreditation Renewal Application Fee | \$100 |
- (2) The following fees have been established for course approval:
- | | |
|--|-------|
| (A) Course Renewal Application Fee for course over twelve (12) hours | \$200 |
| (B) Course Renewal Application Fee for course less than or equal to twelve (12) hours (per course per delivery method) | \$ 50 |

AUTHORITY: sections 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.

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 with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

PROPOSED RESCISSION

4 CSR 250-6.010 Course of Study Required. This rule required certification from an accredited school for examination eligibility. It required application for license within six (6) months of completion of course of study.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

AUTHORITY: section 339.120, RSMo Supp. 1993. Original rule filed Feb. 7, 1979, effective May 11, 1979. Amended: Filed Oct. 2,

1985, effective Dec. 26, 1985. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

PROPOSED RESCISSION

4 CSR 250-6.020 Content of Preliminary Courses. This rule prescribed a more detailed course content outline for the guidance of accredited salesperson and broker schools and license applicants.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

AUTHORITY: section 339.120, RSMo Supp. 1993. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed March 12, 1982, effective June 11, 1982. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Rescinded and readopted: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

PROPOSED RESCISSION

4 CSR 250-6.040 General. This rule defined hour, commission approval of suggested courses and hours, and attendance required.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

AUTHORITY: section 339.120, RSMo Supp. 1993. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed March 17, 1986, effective June 28, 1986. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Sept. 1, 1989, effective Dec. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

PROPOSED RESCISSION

4 CSR 250-6.050 Correspondence Courses. This rule validated correspondence courses and proclaimed attendance requirements.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

AUTHORITY: section 339.120, RSMo Supp. 1993. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

PROPOSED RULE

4 CSR 250-6.060 Content of Salesperson and Broker Pre-Examination Courses and the Missouri Real Estate Practice Course

PURPOSE: This rule establishes course content of the pre-examination courses and the Missouri Real Estate Practice course.

(1) Schools accredited to teach the forty-eight (48)-hour Salesperson Pre-Examination Course and the forty-eight (48)-hour Broker Pre-Examination Course shall develop these courses based on the detailed content outline as provided by the professional testing service contracted to administer the examination for the Missouri Real Estate Commission. This detailed content outline shall be based on the testing service's most recent job analysis of real estate professionals.

(2) The twenty-four (24)-hour Missouri Real Estate Practice Course must address the following topics:

- (A) Broker Disclosure Form;
- (B) Listing a Property.
 - 1. Types of seller agency agreements.
 - 2. Elements of seller agency agreements;
- (C) Buyer Representation.
 - 1. Types of buyer agency agreements.
 - 2. Elements of buyer agency agreements;
- (D) Acting as a Dual Agent or Transaction Broker;
- (E) Termination of Brokerage Relationships;
- (F) Compensation;
- (G) Cooperating with Other Licensees;
- (H) Obligations of Agents to Clients and Customers;
- (I) Pricing Property;
- (J) Role of the Appraiser;
- (K) Types of Financing;
- (L) Estimating Closing Costs;
- (M) Contracts;
- (N) Earnest Money;
- (O) Avoiding Misrepresentation; and
- (P) Types of Construction.

AUTHORITY: sections 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately two thousand three hundred forty-one dollars and twenty cents (\$2,341.20) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately two hundred twenty-five thousand dollars (\$225,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 - Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 6 - Education Requirements

Proposed Rule - 4 CSR 250-6.060 Content of Salesperson and Broker Pre-Examination Course and the Missouri Real Estate Practice Courses

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$2,341.20
Total Annual Cost of Compliance for the Life of the Rule	
	\$2,341.20

III. WORKSHEET

Applications are received and processed by the board. The Real Estate Education Specialist will spend approximately 8 hours reviewing request for approval of the salesperson course and 4 hours reviewing approval for the practice course each year. The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications. The total cost was based on the cost per application multiplied by the estimated number of applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist	\$27,256	\$40,581.46	\$19.51	8 hours per salesperson course 4 hours per practice course	\$156.08 \$78.04	\$1560.80 \$780.40

Total Costs \$2,341.20

IV. ASSUMPTION

1. The commission estimates that approximately 10 request for approval of the salesperson course and 10 request for approval of the practice course will be received annually.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 6 - Education Requirements

Proposed Rule - 4 CSR 250-6.060 Content of Salesperson and Broker Pre-Examination Course and the Missouri Real Estate Practice Courses

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate 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:	Estimated cost of compliance with the rule by affected entities:
60	Modification of Prelicense Courses - \$3000 per course)	\$180,000
30	Modification of Real Estate Practice Course (\$1500)	\$45,000
	Estimated Annual Cost of Compliance for the Life of the Rule	\$225,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimations were based on the current number of schools offering these courses. Cost of modification will vary by provider and is estimated based on a discussion with an education provider.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RESCISSION

4 CSR 250-7.010 Standards for Accreditation. This rule regulated the standards for accreditation of a real estate school including the subjects, curriculum, vested interest, administration, instructors, physical aspects of the building and the minimal requirements of instructors.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: section 339.120, RSMo 1994. Original rule filed Feb. 7, 1979, effective May 11, 1979. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RULE

4 CSR 250-7.010 Standards for Real Estate School Accreditation and Renewal

PURPOSE: This rule establishes standards for Real Estate Accreditation and Renewal.

(1) A school wishing to offer a Salesperson Pre-Examination Course, a Broker Pre-Examination Course, a Missouri Real Estate Practice Course and/or continuing education course(s) in Missouri will be accredited by the commission upon compliance with the following requirements:

(A) Each person involved directly or indirectly in the sponsorship of a school or who participates or has an interest, financial or otherwise, in its operation, shall be at least eighteen (18) years of age and a person of good moral character and bear a good reputation for honesty, integrity and fair dealings;

(B) Each school shall be supervised by an administrator, who shall be in charge of its operations and programs;

(C) The school shall be responsible to see that the school's instructors have the specialized preparation, training and experience in the subject matter to be taught to ensure competent instruction;

(D) The school shall advise all students, prior to contractual obligation, that certain criminal convictions may prevent the student from receiving or retaining a real estate license;

(E) The school shall enter into a contract with each student

enrolling to take a Salesperson Pre-Examination Course, Broker Pre-Examination Course, or the Missouri Practice Course of study. This contract shall identify the tuition to be charged, the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship, any additional fee to be charged for supplies, materials or books which become the property of the student upon payment, the standard for the issuance of a certificate of satisfactory completion and such other matters as are material to the relationship between the school and the student;

(F) The Salesperson Pre-Examination Course, Broker Pre-Examination Course, and Missouri Real Estate Practice Course offered shall include the subjects set forth in 4 CSR 250-6.060;

(G) In the case of classroom delivery courses, each area of study shall be conducted and supervised by an instructor who shall be present in the classroom at all times;

(H) In the case of distance delivered courses, an instructor must respond to each student's inquiries by the end of the next regular business day;

(I) The school shall issue to each student who satisfactorily completes the prescribed course of study a certificate of satisfactory completion on a form prescribed by the commission;

(J) For any continuing education classroom course attended by more than twenty-five (25) students, the sponsor shall have a person other than the instructor present to assist in administrative duties including, but not limited to, keeping records of attendance, preparing and distributing certificates and assuring that the physical facilities meet the requirements of this section;

(K) Record Maintenance.

1. Each school shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance and areas of study completed satisfactorily.

2. Each school shall maintain a copy of the attendance records for each date and time a particular course is offered.

3. A school shall supply duplicate certificates to the individuals upon request. A reasonable charge may be made for duplicate certificates.

4. Schools approved to offer courses by distance delivery, in addition, shall maintain records of all final examinations and examination administration.

5. Each student's records shall be maintained by the school for a minimum of four (4) years and shall be available for inspection by the student or by the commission or its authorized agent during regular business hours or shall provide them to the commission by certified mail within thirty (30) days of written request.

6. If a school closes, within ten (10) days, the school owner must provide in writing to the Missouri Real Estate Commission the contact information for the custodian of records for the previous four (4) years. If the school is closed due to a merger or sale, the records shall be turned over to and become the responsibility of the new school;

(L) Advertising and Publicity.

1. No school shall use any name for advertising or publicity purposes other than the name shown upon its application for accreditation.

2. No school shall advertise or imply that it is recommended, endorsed or approved by the commission, but an accredited school may indicate what courses it has been approved to teach by the Missouri Real Estate Commission.

3. No school shall permit its administrator, staff, instructor(s), or any person associated in any way to provide any misleading information to the public or prospective students.

4. No school shall permit its administrator, staff, instructor(s), or any person associated in any way approved to teach the pre-examination courses to make any warranties or guarantees that a student will pass the real estate license examination by taking its courses.

5. Each school shall advertise any approved course in clear and unambiguous terms, which includes a statement indicating the number of hours of education credit for which the course is approved and

the correct title of the course as it is stated in the course approval letter provided by the commission.

6. No real estate education course shall be announced or advertised until it is approved by the commission, in writing, for credit; and

(M) Physical facilities used to teach any approved classroom course shall:

1. Be designed primarily for classroom purposes or designed for multipurpose use in the case of meeting halls and convention facilities;

2. Contain proper seating and writing surfaces;

3. Be properly lighted;

4. Be properly ventilated;

5. Be reasonably free from distracting pedestrian traffic;

6. Be reasonably free of sound and light disturbances; and

7. Not contain recruiting material and be free of reference to individual real estate firms, groups of firms or franchises, unless the course is restricted to only licensees of the referenced firm or franchise and the notice submitted by the school to the commission as required under 4 CSR 250-7.040 is clearly marked as a restricted class.

(2) When the commission has accredited a school based upon its application and submissions, a letter of accreditation shall be issued to the school. Accreditation is granted and limited to the specific ownership as shown on the application.

(3) A school must notify the commission of any change of administrator within ten (10) days.

(4) Each school shall report to the commission, in writing within ten (10) days, any changes in the information contained in the application for accreditation or the exhibits appended to the application. Changes will not be deemed accepted until such time as acknowledgement of the changes is provided by the commission.

(5) Initial accreditation of a school shall be valid for no more than one (1) year and shall expire on March 31. Accreditation shall be renewable upon submission of an accepted renewal application as provided by the commission no earlier than sixty (60) days prior to and no later than the accreditation expiration date. If renewed before expiration, the accreditation shall expire on March 31 of the second odd-numbered year to follow the renewal date. Failure to renew prior to accreditation expiration shall void all course approvals and the school shall no longer be deemed accredited and will be required to submit the appropriate applications and documents as a new school.

AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed Feb. 7, 1979, effective May 11, 1979. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 6, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately thirty-one thousand two hundred sixteen dollars and fifty-one cents (\$31,216.51) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities seven hundred fifty thousand dollars (\$750,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 7 - Schools

Proposed Rule - 4 CSR 250-7.010 Standards for Real Estate School Accreditation and Renewal

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$31,216.51

Total Annual Cost of Compliance for the Life of the Rule \$31,216.51

III. WORKSHEET

The Real Estate Education Specialist will spend approximately 16 hours auditing schools for compliance. The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the auditing schools for compliance. The total cost was based on the cost per application multiplied by the estimated schools to be audited.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist	\$27,256	\$40,581.46	\$19.51	16 hours	\$312.17	\$31,216.51

Total Costs \$31,216.51

IV. ASSUMPTION

1. The commission estimates approximately 100 schools per year will require auditing schools for compliance by the Real Estate Education Specialist.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 7 - Schools

Proposed Rule - 4 CSR 250-7.010 Standards for Real Estate School Accreditation and Renewal

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate 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:	Estimated cost of compliance with the rule by affected entities:
75,000	Schools (Maintenance of Student Records - \$10 per student)	\$750,000
	Estimated Annual Cost of Compliance for the Life of the Rule	\$750,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimations were based on assumption that about 75% of the licensees will go to the same school for all continuing education needs. The balance will go to multiple schools. There are approximately 50,000 licensees that will pass through schools either for prelicense or continuing education every 2 years. Cost to maintain records will vary greatly per school depending on how records are retained and stored; hard copy or electronically. \$10 fee was selected as a reasonable estimate.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RESCISSION

4 CSR 250-7.020 Application for Accreditation. This rule stated the documents necessary for accreditation of a school.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: section 339.120, RSMo 2000. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Oct. 26, 1987, effective July 1, 1988. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RULE

4 CSR 250-7.020 Application for Accreditation

PURPOSE: This rule identifies the requirements to seek accreditation or renewal of accreditation for a school offering real estate prelicense or continuing education in Missouri.

(1) Any person or entity seeking accreditation or renewal of accreditation for a school offering a real estate classroom course of study in Missouri shall submit a completed application on a form prescribed by the commission and accompanied by supporting documents specified in the application.

(2) Any person or entity seeking accreditation or renewal of accreditation for a school offering any real estate course of study by distance delivery must submit the following:

(A) A completed application on a form prescribed by the commission and accompanied by supporting documents specified in the application; and

(B) An acknowledgement that the school has the means to reasonably capture the average time each student took to complete each distanced delivered course.

(3) The commission reserves the right, at its discretion, to hold any application for a reasonable length of time for investigation and review.

AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed Nov. 14, 1978, effective March 11, 1979. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 6, 2006.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately sixteen thousand six hundred eighty-one dollars and thirty-two cents (\$16,681.32) during the first year of implementation of the rule and thirteen thousand two hundred sixty-seven dollars and two cents (\$13,267.02) annually thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities seventy-four thousand eight hundred thirty-three dollars (\$74,833) during the first year of implementation of the rule and one hundred seven thousand eight hundred seventy-two dollars (\$107,872) annually thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
 Division 250 - Missouri Real Estate Commission
 Chapter 7 - Schools
 Proposed Rule - 4 CSR 250-7.020 Application for Accreditation
 Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Missouri Real Estate Commission		
	Total Annual Cost of During First Year of Implementation of the Rule	\$16,681.32
	Total Annual Cost of Compliance for the Life of the Rule	\$13,267.02

III. WORKSHEET

The figures below represent costs paid by the Missouri Real Estate Commission for implementation of the proposed rule. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

DURING FIRST YEAR OF IMPLEMENTATION OF THE RULE - During the first of implementation of the rule the commission is anticipating reviewing 50 initial school accreditation applications and 210 course approval applications. The commission further anticipates renewing 35 school accreditations and 560 course approvals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist (50 - applications for accreditation approvals)	\$27,256	\$40,581.46	\$19.51	8 hours	\$156.08	\$7,804.13
Real Estate Education Specialist (210 - course approval applications)	\$27,256	\$40,581.46	\$19.51	30 minutes	\$9.76	\$2,048.58
Real Estate Education Specialist (35 - school accreditation renewals)	\$27,256	\$40,581.46	\$19.51	2 hours	\$39.02	\$1,365.72
Real Estate Education Specialist (560 - course approval renewals)	\$27,256	\$40,581.46	\$19.51	30 minutes	\$9.76	\$5,462.89

Total Costs \$16,681.32

ANNUALLY THEREAFTER - After the first of implementation of the rule the commission is anticipating reviewing 10 initial school accreditation applications and 300 course approval applications. The commission further anticipates renewing 85 school accreditations and 560 course approvals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist (10 - applications for accreditation approvals)	\$27,256	\$40,581.46	\$19.51	8 hours	\$156.08	\$1,560.83
Real Estate Education Specialist (300 - course approval applications)	\$27,256	\$40,581.46	\$19.51	30 minutes	\$9.76	\$2,926.55
Real Estate Education Specialist (85 - school accreditation renewals)	\$27,256	\$40,581.46	\$19.51	2 hours	\$39.02	\$3,316.75
Real Estate Education Specialist (560 - course approval renewals)	\$27,256	\$40,581.46	\$19.51	30 minutes	\$9.76	\$5,462.89

Total Costs \$13,267.02

IV. ASSUMPTION

1. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 7 - Schools

Proposed Rule - 4 CSR 250-7.020 Application for Accreditation

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

During First Year of Implementation of the Rule

Estimate 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:	Estimated cost of compliance with the rule by affected entities:
50	Applicants (Initial School Accreditation Application Fee - \$200)	\$10,000
10	Applicants (Over 12 Hours Course Approval Application Fee - \$400 Fee)	\$4,000
200	Applicants (Less 12 Hours Course Approval Application Fee - \$100)	\$20,000
35	Schools (Renewal - \$100)	\$3,500
60	Over 12 Course Renewal (\$200)	\$12,000
500	Less than 12 Course Renewal (\$50)	\$25,000
855	Schools (Postage - \$.39)	\$333
Estimated Cost During First Year of Implementation of the Rule		\$74,833

Annually Thereafter

Estimate 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:	Estimated cost of compliance with the rule by affected entities:
10	Applicants (Initial School Accreditation Application Fee - \$200)	\$2,000
100	Applicants (Over 12 Hours Course Approval Application Fee - \$400 Fee)	\$40,000
200	Applicants (Less 12 Hours Course Approval Application Fee - \$100)	\$20,000
85	Schools (Renewal - \$100)	\$8,500
60	Over 12 Course Renewal (\$200)	\$12,000
500	Less than 12 Course Renewal (\$50)	\$25,000
955	Schools (Postage - \$.39)	\$372
	Estimated Annual Cost of Compliance for the Life of the Rule	\$107,872

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimations were based on historical number of submissions.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RESCISSION

4 CSR 250-7.030 Correspondence Courses. *This rule established the specific requirements of offering a correspondence course.*

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: section 339.120, RSMo 1993. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RESCISSION

4 CSR 250-7.040 Accreditation; Renewals; Fees. This rule specified the accreditation and renewal fees applicable to schools, administrators and instructors.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: section 339.120, RSMo 1993. Original rule filed Feb. 7, 1979, effective May 11, 1979. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-

mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RESCISSION

4 CSR 250-7.050 Prohibition of Advertising or Solicitation. This rule prohibited any type of advertisement, solicitation or other inducement of students concerning future employment.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: section 39.120, RSMo 1993. Original rule filed March 12, 1982, effective June 11, 1982. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RULE

4 CSR 250-7.060 Instructor Standards

PURPOSE: This rule outlines standards for instructors.

(1) Each school is responsible for hiring only appropriately trained instructors with practical experience or formal education/training on the subject matter being presented.

AUTHORITY: sections 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less 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 Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to

realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RULE

4 CSR 250-7.070 General Requirements

PURPOSE: This rule establishes general requirements that each real estate school must meet.

(1) Any school offering a Salesperson and/or Broker Pre-Examination Course, Missouri Real Estate Practice Course and/or continuing education course(s) must be accredited to teach real estate courses in Missouri before offering or advertising such course(s) for credit.

(2) For the purpose of the course offerings by accredited real estate schools, an hour means sixty (60) minutes, at least fifty (50) minutes of which shall be devoted to actual classroom instruction and no more than ten (10) minutes of which shall be devoted to a recess. Times allotted for supervised examinations may be regarded as hours of instruction.

(3) A student enrolled in a Salesperson Pre-Examination Course shall not receive credit for attending any portion of a Broker Pre-Examination Course.

(4) A student enrolled in a Broker Pre-Examination Course shall not receive credit for attending any portion of a Salesperson Pre-Examination Course.

(5) Course approval will be for the duration of the license period for which approval is sought.

(6) All applications for course approval shall be submitted by the originating school at least ninety (90) days prior to the date the course is initially expected to be offered. Applications shall include a complete course outline showing all subjects covered in the course. In the case of a continuing education course no fewer than three (3) unique learning objectives per course hour shall be identified and included in the application prescribed by the Missouri Real Estate Commission. The commission will respond in writing to all requests for course approval within forty-five (45) days of receipt of a properly completed application. The commission will either assign a course number or other identification to a course when it is approved or will notify the applicant of the grounds for the course not being approved.

(7) If the commission determines that a proposed course does not meet prescribed standards or if the proposed course does not adequately reflect and present current real estate knowledge toward the goal of public protection and service, notice in writing specifying the deficiencies will be provided to the school. The school shall have no more than sixty (60) days to correct the deficiencies or the course will be deemed denied.

(8) With prior written permission on file from the original school, other accredited schools may offer a currently approved course and must be able to present the written permission upon request to the commission.

(9) Courses that are substantially unchanged that have been approved in the immediately preceding license period may make application, prior to the expiration date of that course, as a course renewal on a form prescribed by the commission.

(10) No classroom Salesperson Pre-Examination Course, Broker Pre-Examination Course, or Missouri Real Estate Practice Course may exceed eight (8) hours in length per day and must provide for at least a half-hour break after four (4) hours.

(11) No approved school may offer more than six (6) hours of continuing education classroom instruction to a student in any one (1) day.

(12) No part of any approved education course shall be used to solicit membership in organizations, recruit licensees for affiliation with any organization or advertise the merits of any organization.

(13) Dates, times and location(s) of classroom course offerings must be electronically submitted to the commission at least ten (10) days prior to each course offering. Should changes occur in this information, the school must submit the changes immediately via the reporting method prescribed by the commission.

(14) Advertising for an approved distance delivered course shall clearly describe all course requirements that must be met by the licensee/student, including satisfactory completion of a final examination.

(15) The student must be physically present in the classroom during one hundred percent (100%) of the actual classroom instruction unless there is good cause as determined by the school and then the school, at its discretion, may allow a student to be absent up to ten percent (10%) of the required hours and still be issued a certificate of attendance. Documentation of duration of absence must be maintained in the school's records.

(16) No school shall allow anyone to use the school's premises or classroom to recruit new affiliates for any company one (1) hour before, one (1) hour after, during break periods, lunch periods or during an instruction period, nor shall any school provide lists of students attending classes to any broker for the purposes of recruiting.

(17) The school, at the close of any classroom course, shall hand to each individual who has satisfactorily completed the course, a certificate of course completion in a form prescribed by the commission. For licensees who register for the continuing education course on-site without pre-registration, the certificate of course completion must be sent to the licensee within five (5) days of the course completion and the school must have an adequate sign-in/sign-out procedure to ensure attendance and certificate issuance.

(18) Within no more than ten (10) days of the completion of a course, the school shall electronically submit to the commission in a format prescribed by the commission, a complete and accurate list of attendees who have satisfactorily completed the course.

(19) All courses of study must be taught in adherence to the outline on file with the commission. In the event a substantive change is proposed, the school must file a revised course outline on a form prescribed by the commission at least thirty (30) days in advance of the scheduled course offering. Approval in writing from the commission must be received prior to implementation of any substantive course change. The commission must respond to any proposed changes within twenty (20) days of receipt.

AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less 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 Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RULE

4 CSR 250-7.080 Additional Requirements for Approved Schools Offering Distance Delivered Courses

PURPOSE: This rule outlines additional requirements for real estate schools offering prelicense or continuing education courses by distance delivery.

(1) Schools desiring to offer the Salesperson and/or Broker Pre-Examination Course, the Missouri Real Estate Practice Course and/or continuing education course(s) by distance delivery must provide, in addition to the properly completed application, the following:

(A) An exact copy or access to the entire course as it will be offered to the student to demonstrate how the student will interact and acquire knowledge of the required subjects;

(B) For each three (3) hour course, two (2) final examination forms (primary and alternate) of thirty (30) multiple choice items each, with no duplication of items and a key showing correct responses. For each pre-examination course, Missouri Real Estate Practice Course, or continuing education course of more than three (3) hours, two (2) final examination forms (primary and alternate) of at least fifty (50) multiple choice items each, with no duplication of items and a key showing correct responses. Examinations must reflect sound test development practices and must measure knowledge of the subject matter of the entire course as set out in the learning objectives as well as reflect the level of knowledge presented in the program;

(C) A copy of all examination questions and answer key, and if any question pool is used, an explanation as to how pooled exam questions are selected;

(D) A statement setting out the methods the school will use to assure that examinations are maintained securely; and

(E) A statement attesting that within ten (10) days following administration of the final examination, the school shall deliver to the student who achieves a score of at least seventy-five percent (75%) a certificate of course completion on a form prescribed by the commission.

(2) For each continuing education course, a complete outline showing all subjects covered in the course and no fewer than three (3) unique learning objectives per course hour.

(3) To the student, a course introduction statement setting out the dates during which the course is approved by the commission, the terms and conditions under which the final examination will be

administered, including review of the completed workbook, and a list of specific learning objectives referenced in the final examination.

(4) By July 31 and January 31, statistical information on completion times for the preceding period must be provided to the Missouri Real Estate Commission. If statistics indicate that at least fifty percent (50%) of real estate students took less time to complete the course than identified on the course submission, the school shall have ten (10) days to either withdraw the course offering or to provide an amended course outline to remedy the course deficiency.

AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand six hundred eighty-two dollars and forty-eight cents (\$4,682.48) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities an estimated fifteen thousand dollars (\$15,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 7 - Schools

Proposed Rule - 4 CSR 250-7.080 Additional Requirements for Approved Schools Offering Distance Delivered Courses

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$4,682.48
Total Annual Cost of Compliance for the Life of the Rule	
	\$4,682.48

III. WORKSHEET

Applications are received and processed by the board. The Real Estate Education Specialist will spend approximately 16 hours auditing schools for compliance. The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent auditing schools for compliance. The total cost was based on the cost per application multiplied by the estimated auditing schools for compliance.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist	\$27,256	\$40,581.46	\$19.51	16 hours	\$312.17	\$4,682.48

Total Costs \$4,682.48

IV. ASSUMPTION

1. The commission estimates approximately 15 schools will offer prelicense or continuing education courses by distance delivery.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 7 - Schools

Proposed Rule - 4 CSR 250-7.080 Additional Requirements for Approved Schools Offering Distance Delivered Courses

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate 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:	Estimated cost of compliance with the rule by affected entities:
15	Schools (Capturing of Statistical Information - \$1000)	\$15,000
	Estimated Annual Cost of Compliance for the Life of the Rule	\$15,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimations were based on historical number of schools offering courses by distance delivery.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

PROPOSED RULE

4 CSR 250-7.090 Investigation and Review of Accredited Schools and Approved Courses

PURPOSE: This rule outlines additional requirements for approved schools offering distance delivered courses.

(1) The commission may, upon its own motion, or upon written complaint filed by any person, investigate the school, courses, course delivery and/or records maintained by an accredited school.

(2) In conducting such investigation, the commission shall have the power to hold an investigatory hearing to determine whether there is a probability that the school, or any person acting on its behalf, has performed or attempted to perform any act or practice in violation of the statutes and regulations.

(3) The commission may also investigate approved or proposed course offerings by conferring with sponsors and instructors, by visiting (with or without prior notice), or by surveys to participants, instructors and/or the school administrator.

(4) The commission may deny, suspend, revoke or place on probation the accreditation of any school if it is determined that the school, administrator, staff, instructor(s) or any person associated in any way have violated any of the requirements of Chapter 7 of these regulations or have performed or attempted to perform any acts identified in 4 CSR 250-7.060(5).

(5) The commission may cause a complaint against the school to be filed with the Administrative Hearing Commission as provided by law when the commission believes there is a probability that a school or any person acting on its behalf has performed or attempted to perform any of the following acts:

(A) Fails to maintain the standards set out in Chapter 7 of these regulations;

(B) Is a party to any falsification of any document or other information provided to, or maintained at the request of the commission;

(C) Makes any false statement or substantial misrepresentation in applying for accreditation;

(D) Submits an application or supporting material that contains false or misleading statements or substantial misrepresentations;

(E) Has an accumulative pass rate for first-time examinees taking the school's Salesperson Pre-Examination Course or Broker Pre-Examination Course that falls below forty percent (40%) for three (3) of the last six (6) months;

(F) Causes, permits or otherwise encourages the communication of any advertising or solicitation of any kind, whether written or oral, designed to induce or encourage students, enrolled or to be enrolled at the school to enter into employment with any broker;

(G) Permits any person or entity to recruit students enrolled at the school by means of coercion, pressure tactics, free offerings, rebates or similar means;

(H) Engages in conduct which constitutes or demonstrates dishonest dealings, bad faith or untrustworthiness;

(I) Engages in inappropriate conduct in the classroom including but not limited to the use of profanity, telling of offensive jokes, and making inappropriate remarks unrelated to the subject matter;

(J) Fails to file with the commission, accurate, timely, and complete records;

(K) Awards credit to any student who has either not taken the course or who has failed to satisfactorily complete the course;

(L) Makes false statements regarding and/or promotes specific real estate related business models, organization structures, or organizations and fee structures; and/or

(M) As a real estate licensee violates the statutes or regulations that govern the practice of real estate in this state.

AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six thousand one hundred forty-five dollars and forty-nine cents (\$6,145.49) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities less 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 Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 10 - Continuing Education

Proposed Rule - 4 CSR 250-7.090 Investigation and Review of Accredited Schools and Approved Courses

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$6,145.49
Total Annual Cost of Compliance for the Life of the Rule	
	\$6,145.49

III. WORKSHEET

The commission anticipates receiving 10 complaints per year and estimates an Investigator II will spend 3 days investigating and reporting on each complaint. The figures below represent costs paid by the Missouri Real Estate Commission for implementation

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent investigating complaints. The total cost was based on the cost per application multiplied by the estimated number of complaints.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Investigator II	\$35,772	\$53,260.93	\$25.61	24 hours	\$614.55	\$6,145.49

Total Costs \$6,145.49

IV. ASSUMPTION

1 It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RESCISSION

4 CSR 250-10.010 Requirements. This rule implemented the continuing education mandates.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

AUTHORITY: sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RESCISSION

4 CSR 250-10.020 Sponsors. This rule implemented the continuing education mandates.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RESCISSION

4 CSR 250-10.030 Classroom Course Approval. This rule implemented the continuing education mandates.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 17, 1986, effective June 28, 1986. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RESCISSION

4 CSR 250-10.040 Classroom Course Instructor Approval. This rule implemented the continuing education mandates.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: sections 339.040, 339.045, and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the

Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RESCISSION

4 CSR 250-10.050 Physical Facilities for Classroom Courses. This rule implemented the continuing education mandates.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: sections 339.045, RSMo 1986 and 339.040 and 339.120, RSMo Supp. 1993. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RESCISSION

4 CSR 250-10.060 Advertising. This rule implemented the continuing education mandates.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: sections 339.045, RSMo 1986 and 339.040 and 339.120, RSMo Supp. 1993. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RESCISSION

4 CSR 250-10.070 Records. This rule implemented the continuing education mandates.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RESCISSION

4 CSR 250-10.075 Individual Study Courses. This rule implemented the continuing education mandates.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: section 339.120, RSMo Supp. 1993. Original rule filed Feb. 2, 1993, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

**Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RESCISSION

4 CSR 250-10.080 Investigation and Review. This rule implement the continuing education mandates.

PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

AUTHORITY: sections 339.045, RSMo 1986 and 339.040 and 339.120, RSMo Supp. 1993. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities less 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 rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

**Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED RULE

4 CSR 250-10.100 Continuing Education Requirements for Licensees

PURPOSE: This rule outlines the continuing education requirements for licensees.

(1) Each real estate licensee who holds an active license shall complete during the two (2)-year license period prior to renewal, as a condition precedent to license renewal, a minimum of twelve (12) hours of real estate instruction approved for continuing education credit by the Missouri Real Estate Commission. An active license is any license issued by the commission except those which have been placed on inactive status. Failure to provide the commission evidence of course completion as set forth shall constitute grounds for not renewing a license. For purposes of 4 CSR 250-10, an hour is defined as sixty (60) minutes, at least fifty (50) minutes of which shall be devoted to actual classroom instruction and no more than ten

(10) minutes of which shall be devoted to a recess. No credit will be allowed for fractional hours.

(2) Licensees will be responsible for verification, via the Missouri Real Estate Commission's Internet system, that all Missouri approved continuing education courses taken during the current renewal period by the licensee have been reported to the commission by the school. It shall be the licensee's responsibility to report any missing information to the course provider so that accurate records of courses are reflected in the commission's records.

(3) At least three (3) hours of the twelve (12) hours of approved instruction shall be taken in a course identified by the Missouri Real Estate Commission and noticed on its official website, no later than March 31 of each even-numbered year as a core course for the following renewal period. Should the commission not identify a topic for the core course, approved schools may submit courses for core consideration in any of the following areas:

- (A) Missouri laws governing the transfer of real property;
- (B) Broker supervision and escrow account management;
- (C) Fair housing;
- (D) Property management;
- (E) Commercial brokerage; or
- (F) Agency and brokerage relationships.

(4) The balance of the twelve (12) hours of instruction shall consist of courses which have been approved for continuing education credit by the Missouri Real Estate Commission. The commission will approve those courses which are determined by it to be those through which real estate licensees can remain qualified and can become more competent to provide a higher level of public service and public protection, and are based on consumer protection or service concepts which are founded on Missouri or federal laws related to real estate transactions.

(5) Individual licensees may receive continuing education credit for courses taken in Missouri or another state which have not been previously submitted by the sponsor for approval, provided course content, instructor qualifications and course delivery are acceptable to the commission. Applications for non-preapproved course credit must be on a form prescribed by the commission, accompanied by a nonrefundable evaluation fee of ten dollars (\$10) per course along with a course description and a typed certificate of completion authenticated by the course provider. Applications for non-preapproved course credit must be postmarked as applied by the postal service or hand delivered to the office of the Missouri Real Estate Commission no later than ninety (90) days prior to the licensee's renewal date.

(6) The commission may waive all or part of the continuing education requirements upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted, with acceptable documentation, for the following causes:

- (A) Serious physical injury or illness of the licensee throughout the two (2)-year license period immediately preceding renewal of license;
- (B) Active duty in the armed services of the licensee throughout the two (2)-year license period immediately preceding renewal of license;
- (C) Is licensed to practice law;
- (D) Licensee is at least eighty (80) years of age;
- (E) Member of the United States or Missouri Senate or House of Representatives at any time during the renewal period to which the waiver applies; and
- (F) Member of the Missouri Real Estate Commission during any portion of the renewal period to which the waiver applies.

(7) The following offerings will not be considered by the commission to meet Missouri continuing education requirements even though these offerings may be approved by other states or jurisdictions:

(A) Training or education not applicable to Missouri real estate practice;

(B) Training or education in office and business skills such as typing, speedreading, memory improvement, report writing, personal motivation, salesmanship, sales psychology and time management;

(C) Sales promotions or other meetings held in conjunction with general real estate brokerage activity;

(D) Meetings which are a normal part of in-house training;

(E) That portion of any offering devoted to meals or refreshments; and

(F) Any course or program that is less than three (3) hours in duration.

(8) Hours obtained in excess of the twelve (12) hours required during each license renewal period may not be carried forward to satisfy the requirements for any subsequent renewal period.

(9) Credit will be given to a licensee for completing a specific course only once during a license renewal period.

(10) An instructor who is also a licensee, may be granted continuing education credit for teaching an approved course to licensees. The credit may be granted to that instructor only once for each course or substantially similar course offered during any renewal period.

(11) Each licensee shall be responsible for providing the commission, upon request, a true copy of any certificate of course completion.

AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately thirteen thousand six hundred fifty-seven dollars and twenty-two cents (\$13,657.22) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities an estimated three hundred ten thousand dollars (\$310,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. 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 ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
 Division 250 - Missouri Real Estate Commission
 Chapter 10 - Continuing Education
 Proposed Rule - 4 CSR 250-10.100 Continuing Education Requirements for Licensees
 Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$13,657.22
Total Annual Cost of Compliance for the Life of the Rule	
	\$13,657.22

III. WORKSHEET

The Real Estate Education Specialist will spend approximately 16 hours reviewing course proposals and course certificates. The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the auditing schools for compliance. The total cost was based on the cost per application multiplied by the estimated number of schools.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist (review courses)	\$27,256	\$40,581.46	\$19.51	2 hours	\$39.02	\$11,706.19
Real Estate Education Specialist (review of course certificates)	\$27,256	\$40,581.46	\$19.51	10 minutes	\$1.95	\$1,951.03
Total Costs						\$13,657.22

IV. ASSUMPTION

1. The commission anticipates reviewing 300 proposals for course approval and 1000 requests for consideration of individual credit.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 10 - Continuing Education

Proposed Rule - 4 CSR 250-10.100 Continuing Education Requirements for Licensees

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate 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:	Estimated cost of compliance with the rule by affected entities:
300	Schools (Course Development - \$1000)	\$300,000
1,000	Individuals (Consideration of Individual Credit - \$10)	\$10,000
Estimated Annual Cost of Compliance for the Life of the Rule		\$310,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board estimates approximately 85 schools will offer approximately 1,000 courses per education cycle. Based on conversation with an education provider, while the cost to develop a course will vary greatly, depending on the subject matter and the teaching level of the course, the board estimates a medium development cost of \$1,000 per course.

Historical data indicates approximately 650 individuals request consideration of various non-approved courses be considered for continuing education credit. Approximately 1/3 of those requests are for multiple course reviews.

2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**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 Prioritizing Access to Funded Services

PURPOSE: This rule establishes how individuals otherwise eligible for services will be selected for funded services and programs administered by the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities, when services cannot be provided to all eligible individuals with developmental disabilities in the state of Missouri through the funding that is appropriated.

(1) Definitions.

(A) Community services—Supports funded and purchased through the Department of Mental Health Purchase of Service System (POS) with general revenue appropriations to assist individuals who have mental retardation and developmental disabilities to live in the community. Eligibility for Medicaid is not required.

(B) Community Support Waiver—A set of services, not including residential services, for Medicaid eligible individuals who have mental retardation and/or a developmental disability who have been determined to otherwise require the level of care provided in an Intermediate Care Facility for Mental Retardation (ICF/MR).

(C) Comprehensive Waiver—A set of services, including residential services, for Medicaid eligible individuals who have mental retardation and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/MR.

(D) Division—Division of Mental Retardation and Developmental Disabilities.

(E) Sarah Jian Lopez Waiver—A set of services, not including residential services, for children under the age of eighteen (18) living with their parents, who are not Medicaid eligible, who have mental retardation and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/MR.

(2) The division's utilization review process as set forth in 9 CSR 45-2.017 shall be applied to all individuals prior to participation in new services or programs.

(3) Individuals otherwise eligible for services through the Comprehensive or Community Support Medicaid Waiver and who are determined to meet emergency criteria as described in 9 CSR 45-2.017(1)(E) and who require out-of-home residential services or for whom out-of-home residential care is imminent without in-home services, shall receive priority consideration in participating in a waiver.

(A) Participation in the Community Support Waiver shall be considered first, for individuals meeting emergency criteria whose needs can be met with in-home services. Individuals who meet emergency criteria shall be approved to participate in the Community Support Waiver when the regional center determines the needs of the individual can be appropriately met by that waiver.

(B) The requested services shall be directly related to preventing the person from entering a Medicaid institution or enabling the person to leave a Medicaid institution.

(C) Division treatment professionals shall determine the following:

1. If the individual's service/support needs can be met in the community;
2. If the individual is eligible for the waiver; and
3. If the individual chooses waiver services over institutional services.

(4) Individuals who are otherwise eligible for services through the Comprehensive and Community Support Waivers, who do not meet emergency criteria and have not been enrolled, shall be placed on a waiting list. Individuals on the waiting list shall be served according to the prioritization of need (PON) score, as set forth in 9 CSR 45-2.017, as funding becomes available.

(A) When two (2) or more individuals have the same PON score, the individual(s) who has been on the waiting list the longest time shall be given priority.

(5) Children under the age of eighteen (18) assessed by a regional center as meeting basic eligibility criteria for participation in the Sarah Jian Lopez Medicaid Waiver shall be served from the waiting list as turnover occurs based on prioritized need. Determining prioritized need shall include reviewing the following:

- (A) PON score(s);
- (B) Frequency of need for waiver services;
- (C) Family ability to otherwise meet needs;
- (D) Any emergency need (9 CSR 45-2.017); and
- (E) Access to other resources to meet needs.

(6) Individuals who are not Medicaid eligible shall be placed on a waiting list for community services. Individuals on the waiting list shall be served according to the PON score as funding becomes available.

(7) Waiver Participant Turnover.

(A) Funds available due to participants leaving (turnover) the Comprehensive or Community Support Waiver shall first be used for individuals served in that waiver who have increased needs. When these needs are met, funds that become available from turnover may be used to enroll new individuals in the waiver.

(B) When turnover occurs in an existing living arrangement, the regional center shall determine if an individual in the region, district, or state meeting emergency criteria or with the highest PON score would be appropriately served in the arrangement and chooses this living arrangement (including location); and if the agency providing supports is able to provide the supports to the person.

1. If the arrangement is not appropriate or acceptable to an individual meeting emergency criteria or with the highest PON score, the regional center shall determine if the living arrangement is acceptable and appropriate for an individual with the next highest utilization review (UR) score on the waiting list. If it is not, the regional center may request approval for another person on the waiting list in the region or district to participate in the waiver according to prioritized need, who is agreeable to the living arrangement and is a compatible household member for current residents.

AUTHORITY: sections 630.050 and 633.110.2, RSMo 2000. Emergency rule filed Oct. 1, 2004, effective Oct. 15, 2004, expired April 15, 2005. Original rule filed March 31, 2006.

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, Director of 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 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 2—Eligibility for Services**

PROPOSED RULE

9 CSR 45-2.017 Utilization Review Process

PURPOSE: This rule formally establishes a statewide utilization review process to: ensure individuals eligible for division services with similar needs are treated consistently and fairly throughout the state; ensure each individual's annual plan accurately reflects the individual's needs; ensure levels of service are defined and documented within the outcomes of each individual's plan; prioritize need for services; and ensure accountability of public funds.

(1) Definitions.

(A) Authorization—Approval notice to a provider that a specific amount of service at a specific rate may be provided to an individual.

(B) Budget—The total cost of services and supports recommended or approved to meet an individual's needs identified in a plan.

(C) Department—Department of Mental Health.

(D) Division—Division of Mental Retardation and Developmental Disabilities.

(E) Emergency criteria consists of one (1) or more of the following:

1. The individual is in immediate need of life-sustaining services (food and shelter, or protection from harm) and there is no alternative to division funding or provision of those services;

2. The individual needs immediate services in order to protect another person or persons from imminent physical harm;

3. The individual is residing in a public institution such as 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 individual wants to live in the community, and appropriate services and supports can be arranged through the waiver;

4. The individual had been receiving significant services through division funded programs and services, is evaluated to still need the significant level of services, but is no longer eligible for the program or services due to age or other criteria;

5. The individual is in the care and custody of the Department of Social Services, Children's Division, which has a formal agreement in place with a division regional center to fund the costs of waiver services for the specific individual;

6. The individual is under age eighteen (18) and requires coordinated services through several agencies to avoid court action; or

7. The individual is subject to ongoing or pending legal action that requires immediate delivery of services.

(F) Plan—An annual plan of care identifying all support needs an individual with a developmental disability has and how the needs shall be met.

(G) Prioritization of need (PON)—Process that assigns a score to the level of need for an individual for a specific service need that is wait listed so that persons with the greatest need for services and supports are served first when funding is available.

(H) Responsible party—The parent(s) of a minor child, spouse, court appointed guardian, public administrator or any other person who has legal authority to make decisions for a person served by the division.

(I) Senate Bill 40 County Developmental Disability Boards (SB40 Board)—County boards established pursuant to section 205.970, RSMo, to provide services with voter approved tax levies to residents of that county who are handicapped persons as defined in sections 178.900 and 205.968, RSMo.

(J) Service/Support—Informal and formal means of meeting needs identified in the plan of care.

(K) Utilization Review Committee (URC)—A formal committee established at each regional center to review proposed plans and budgets and make recommendations before services are approved and authorized.

(2) Each regional center director shall appoint a URC. URC members shall be regional center staff representing: a) quality assurance; b) community resource specialist; c) business office; d) service coord-

ination; and/or e) administration. Membership may also include a parent or guardian representative and a SB40 Board representative. A minimum of three (3) members shall be present in order for the URC to conduct official business.

(A) The URC shall meet a minimum of once per week.

(B) The URC shall review the following personal plans:

1. All initial plans/budgets with funds;

2. Amended plans that increase the total plan/budget by adding a new service or increasing the dollar amount of a specific service; and

3. Plans at the discretion of the local URC.

(C) To ensure documentation in the personal plan and budget supports the service need, the URC shall use the Utilization Review Checklist, included herein, to review each plan and budget.

(D) Other plan and budget reviews shall continue to be completed by the service coordinator and/or service coordination supervisor, as directed by the regional center director.

(E) The URC shall evaluate need and assign a PON score for service needs that cannot immediately be funded.

(3) Two (2) months prior to the proposed plan and budget implementation, the service coordinator shall meet with the individual's family to prepare a plan and budget with justification for the individual's support needs.

(A) The initial plan and budget shall be agreed to and signed by the individual or responsible party. The service coordinator and the individual or responsible party shall receive a copy of the plan and budget prior to submission of the plan and budget to the URC.

(4) One (1) month prior to the proposed plan and budget implementation, the service coordinator shall submit the signed plan to the URC.

(A) If plan and budget submission to the URC shall otherwise be delayed due to the inability of the service coordinator to obtain the signature of the individual or responsible party, then the plan and budget shall be forwarded to the URC without the signature and a copy of the plan and budget shall be mailed to the individual or responsible party.

(5) The URC shall review the plan and budget within six (6) working days of receipt.

(A) If no additional information is required, the URC shall send a recommendation to the regional center director or designee to approve or disapprove the plan and budget. If more information is needed to review the plan or changes are necessary in the budget or service authorization associated with a plan, that information shall be requested from the service coordinator, who has ten (10) working days to respond to the URC.

(B) The URC shall submit the completed recommendation form, included herein, to the regional center director or designee to approve or disapprove the plan and budget no later than six (6) working days following receipt of all needed information.

(6) The regional center director or designee shall approve, amend, or disapprove the URC recommendation within five (5) working days of receipt.

(7) Upon final action by the regional center director or designee to approve, amend or disapprove a plan and budget, a copy of the final decision letter and the completed plan and budget shall be provided to the individual or responsible party, service coordinator and provider(s) by regular mail, fax or hand delivery. If the regional center director or designee disapproves a plan and budget, the regional center director or designee shall include in the final decision letter the reasons for the disapproval or amendment.

(8) The individual or responsible party may appeal the final decision, in writing or verbally, to the regional center director within thirty (30) days from the date of the final decision letter.

(A) If necessary, appropriate staff shall assist the individual or responsible party in making the appeal.

(B) The regional center director or designee may meet with the individual or responsible party and any staff to obtain any newly discovered information relevant to the final decision and to hear any comments or objections related to the final decision.

(C) Within ten (10) working days after receiving the appeal, the regional center director or designee shall notify the individual or responsible party in writing of his/her final decision.

(9) When the final decision, as set forth in section (8) above, results in any individual being denied service(s) based on a determination the individual is not eligible for the service(s) or adversely effects a waiver service for an individual, the individual may appeal in accordance with the procedures set forth in 9 CSR 45-2.020(3)(C) and (5).

(A) An individual participating in a Division Medicaid Waiver program has appeal rights through both the Department of Mental Health and the Department of Social Services. Those individuals may appeal to Department of Social Services before, during or after exhausting the Department of Mental Health appeal process. Once the appeal process through Department of Social Services begins, appeal rights through the Department of Mental Health cease. Individuals appealing to the Department of Social Services must do so in writing within ninety (90) days of written notice of the adverse action to request an appeal hearing. Requests for appeal to the Department of Social Services should be sent to: Division of Medical Services, Recipient Services Unit, PO Box 6500, Jefferson City, MO, 65102-6500, or call Recipient Services Unit at 1 (800) 392-2161.

(10) If an individual timely files an appeal of a final decision, services currently being provided under an existing plan of care will not be suspended, reduced or terminated pending a hearing decision unless the individual or legal representative requests in writing that services be suspended, reduced or terminated.

(A) The individual may be responsible for repayment of any federal or state funds expended for services while the appeal is pending if the hearing decision upholds the director's decision.

(11) The service coordinator shall provide guidance to the family about any alternative resources potentially available to support needs that are not approved through the URC process.

(12) New services/supports shall not begin before the plan and budget are approved through the URC, except in an emergency situation approved by the regional center director or designee.

(13) Budgets are determined by the total cost of all services and supports paid through the billing system of the department. Services and supports paid for outside of the department billing system are excluded.

(A) When multiple family members are receiving division services, this shall be noted. All of the budgets shall be considered together in the utilization review process in order to have a comprehensive picture of all services/supports going into a single home so the necessary level of services can be determined. This does not require each family member's plan be on the same plan year, but does require all of the current supports in the home be considered.

(B) Applicable Medicaid State Plan services shall be accessed first when the individual is Medicaid eligible and the services will meet the individual's needs.

(14) Once a budget is approved through the utilization review process, any request for additional funds shall be added to the approved budget (the total cost of all services/supports—including

department, SB40 Board Waiver and non-waiver match, and Medicaid Waiver match dollars) to determine the new utilization review level. The additional request may not be considered in isolation of other services/supports the individual and family are receiving.

(15) A review of a single service should not delay the implementation of other services in the plan.

(16) The URC shall complete the priority of need form, included herein, and shall assign a score for each service request in one (1) or more of the following six (6) categories of need: emergency; health and safety; family support; daily living supports; inclusion and/or recreational supports; and long-term planning.

(A) The URC shall consider a service/support for inclusion on a prioritized waiting list if the service support meets each of the following criteria:

1. Need for the service/support is documented in the person centered plan as necessary for the individual's health, safety, and/or independence and alternative funding or programs are not available to meet the need; and

2. Need for the service/support is specifically related to the person's disability (i.e., not something that would be needed regardless of the person's disability).

(B) Individuals evaluated with needs meeting emergency criteria receive highest priority in receiving funding for services.

DEPARTMENT OF MENTAL HEALTH – Utilization Review Checklist

REGIONAL CENTER: _____	DATE OF REVIEW: _____
Consumer Name: _____	Case #: _____
UR TOTAL \$ _____ 1 ST year _____ Annual _____ Last year URL \$ _____	
Additional Information: _____	

PLANNING

<input type="checkbox"/>	Does the plan document the need for each service/support?
<input type="checkbox"/>	Are clear outcomes identified for each service/support?
<input type="checkbox"/>	What alternative solutions including technological, adaptive equipment, community resources have been explored to achieve identified outcomes?
<input type="checkbox"/>	Have needs been prioritized by the person/family?
<input type="checkbox"/>	How long has this level of support been in place?
<input type="checkbox"/>	Has progress toward the stated outcomes been documented?
<input type="checkbox"/>	If the person is Medicaid eligible, have applicable state plan services been accessed when they will meet the needs? (For persons under age 21, this includes all OT, PT, and speech therapies, most adaptive equipment, diapers, and personal care that meet the state plan definition. For adults, this includes personal care provided through Department of Health and Senior Services.) If not, why?
<input type="checkbox"/>	For children, are any services/supports requested the responsibility of the local school district? (The Division cannot supplant services/supports that should be provided by local school districts. The plan should note therapies the child is receiving at school, including frequency, intensity, and duration.)
<input type="checkbox"/>	For children, if additional therapies are educationally necessary, have they been pursued through the IEP process?

FINANCIAL Where applicable:

<input type="checkbox"/>	Are prescriptions or recommendations for therapies, equipment, etc., attached?
<input type="checkbox"/>	Are denial letters from insurance companies or other primary funding sources attached?
<input type="checkbox"/>	Are bids attached?
<input type="checkbox"/>	Is the budget page completed, including frequency and rates? Is the math correct?
<input type="checkbox"/>	Were there services last year that were authorized and not invoiced? If not, why?
<input type="checkbox"/>	Did last year's authorizations/expenditures match the approved budget?
<input type="checkbox"/>	Are cost projections reasonable based on ongoing service needs?
<input type="checkbox"/>	Is the proposed solution the most cost effective, if not why?

<input type="checkbox"/>	Is the MRDD funding source noted? (i.e. Choices)
<input type="checkbox"/>	Are all expenditures within the program/service cap? (ABA \$5,000; Environmental Accessibility Adaptations Home Modifications \$5,000; Choices \$3,600, etc.)
<input type="checkbox"/>	Are there contracts with providers who are receiving over \$3000 per year?
<input type="checkbox"/>	If there is a request for adaptive equipment, does the plan identify the specific equipment/supplies needed and the justification for each? (It is not acceptable to approve "up to" the cap for a program service without justification.)
<input type="checkbox"/>	Is there a redirection of funds involved? (Do health and safety needs justify redirection?)
<input type="checkbox"/>	Has the person applied for Medicaid? If ineligible, why? _____

MISSOURI VALUES

<input type="checkbox"/>	Is the service a NEED rather than a WANT ? To determine the difference, ask the question "What would happen without the service?" "Needs" meet health, safety, and independence requirements (as appropriate to the individual) that cannot be met by any alternative funding or program source. (Is this for maintenance of independent living, prevention from moving to a more restrictive setting, proactive prevention of a potentially abusive situation, etc.?)
<input type="checkbox"/>	Does the service facilitate a typical lifestyle and not foster dependence on the system?
<input type="checkbox"/>	Is the amount of support based on the level of need?
<input type="checkbox"/>	Have natural supports or other ways to meet the need been explored first?
<input type="checkbox"/>	Is the service/support something that families do not typically provide?
<input type="checkbox"/>	Would Missouri taxpayers agree service/support should be purchased with state tax dollars?

RESIDENTIAL

<input type="checkbox"/>	Is this a single person ISL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, is the following information in the plan: Other options tried? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, explain outcome of those options. If No, explain why other options were not tried.)
<input type="checkbox"/>	Is the Administration fee limited to 15% or \$500 maximum?
<input type="checkbox"/>	Are room and board costs within the financial means of the individuals living in the home?
<input type="checkbox"/>	Is the level of overnight support justified in the plan?
<input type="checkbox"/>	Are the hours of paid support (for example, ISL, Day Hab, Employment) limited to 24 hours per day?
<input type="checkbox"/>	Are there other issues of concern?

DEPARTMENT OF MENTAL HEALTH
Utilization Review Committee Recommendations

Consumer Name: _____ SC Name: _____	
ID Number: _____	
Plan Year: _____	Annual Amendment Date Reviewed: _____
<i>Recommendations are as follows:</i>	Members of UR Team:
	Information due:
<i>Action Taken:</i> (Response due to UR Committee by date noted above)	
<i>Date of Second Review:</i> _____ <i>UR Committee Recommendation to Action Taken:</i>	
Committee Members _____	
<i>Summary of Recommendations:</i>	
This plan needs to be reviewed in _____ months. This plan does not require annual utilization review. _____	
Approve as Submitted _____	
Approve with Modifications _____	
Do Not Approve _____	
Identify Services Recommended for Wait List: _____	
U.R. Committee Chair or Designee _____	Date _____ Annual Budget \$ _____
UR Recommendations Approved Yes ___ No ___ Modified ___	
Center Director/designee _____ Date: _____	
Comments:	

DEPARTMENT OF MENTAL HEALTH Prioritization of Need for Services/Supports

Residential

In-Home Support

Consumer Name: _____	Case #: _____
Service Coordinator: _____	Date Placed on Waiting List: _____
Service #1 Category/Points: _____	
Service #2 Category/Points: _____	
Service #3 Category/Points: _____	
Additional Information: Date Scored: _____ URC Representative: _____	

In order to be on the prioritized waiting list for services/supports, the service/support *must be*:

- Identified as a need in a person-centered plan;
- Specifically related to the person's disability (i.e., not something that would be needed regardless of the person's disability); and
- Unavailable through natural support systems or other funding sources.

First, read through the categories, then:

- Pick the category that best describes each service need of the individual.
- Only one category can be selected per service. Prioritize this decision based on the service/support (*not* by person).
- Once a category has been selected, only compile the points for the selected category for each service.
- When the category points are tallied, transfer category letter and the total points to the top of this page.
- If Emergency or Health and Safety category is chosen the person-centered plan must reflect what safeguard and/or emergency measures have been put in place to address the concerns.

A service can only be prioritized or listed under one category, however, there can be more than one service in any category.

Points	CATEGORY: E Emergency (12 points) See 9 CSR 45-2.017(1)(E)
12	<p>12 pts. This service/support is necessary due to the person's emergency situation. An emergency situation is described as one of the following:</p> <ol style="list-style-type: none"> 1) The consumer is in immediate need of life-sustaining services (food, shelter, protection from harm) and there is no alternative to Division funding or provision of those services. 2) The consumer needs immediate services to protect another person(s) from imminent physical harm. 3) The consumer currently resides in a public institution and has been assessed as able to live in a less restrictive arrangement in the community. (Olmstead) 4) The consumer is aging out of the Lopez Waiver and still requires substantial waiver services. (Does not include consumers that would be more appropriately served in the Physically Disabled Waiver) 5) The consumer is in the care and custody of DSS Children's Division and there is an inter-divisional agreement. 6) The consumer is under age 18 and requires coordinated services through several agencies to avoid court action. (System of Care) 7) The consumer is the focus of a Court order or imminent Court order.
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

Points	CATEGORY: H Health and Safety (5 to 12 points)
_____	<p>5 pts. The service/support is necessary to ensure the health and safety of the person or others, i.e., not providing the service/support will place the person or others at risk of illness, injury, or harm.</p> <p>In order to be categorized as a health and safety need, the degree of risk must be greater than 50% chance without intervention.</p> <p>_____ Add 1 point (+1 pt.) if degree of risk is imminent—definite and immediate.</p> <p>_____ Add 2 points (+2 pt.) if person has no permanent residence.</p> <p>_____ Add points (maximum of 4) based on Physical/Behavioral Support Checklists. (pg. 3)</p>
_____	<p>Cumulative points for Category Health and Safety. (Not to exceed 12)</p> <p>Outcome #: _____ Service: _____ Frequency: _____ Cost: _____</p> <p>Outcome #: _____ Service: _____ Frequency: _____ Cost: _____</p> <p>Outcome #: _____ Service: _____ Frequency: _____ Cost: _____</p>

Points	CATEGORY: F Family Support (4 to 11 points)
_____	<p>4 pts. The service/support is necessary to help the family care for their family member in their home <u>or</u> family support is not available.</p> <p>_____ Add points (maximum of 4) based on Physical/Behavioral Support Checklists. (pg. 4)</p> <p>_____ Add points (maximum of 3) for other family circumstances. Mark as many as applicable to get a full picture of the family need, however, can only add 3 points.</p> <p>_____ + 3 pts. Death of primary caregiver.</p> <p>_____ + 3 pts. Primary caregiver has a terminal diagnosis.</p> <p>_____ + 2 pts. Primary caregiver has other chronic health conditions that significantly impact his/her ability to provide needed supports for the person.</p> <p>_____ + 2 pts. Primary caregiver over age 75.</p> <p>_____ + 1 pt. Primary caregiver over age 65.</p> <p>_____ + 1 pt. Single parent family.</p> <p>_____ + 1 pt. Recent (within past 6 mos.) divorce or separation.</p> <p>_____ + 1 pt. More than one family member eligible for MRDD services.</p> <p>_____ + 1 pt. At least 3 children under the age of 10 living in the home.</p> <p>_____ + 1 pt. Recent (within past 6 mos.) unplanned loss of employment.</p> <p>_____ +1 pt. Primary caregiver at risk of job loss to provide care for the person in the home.</p>
_____	<p>Cumulative points for Category Family Support. (Not to exceed 11)</p> <p>Outcome #: _____ Service: _____ Frequency: _____ Cost: _____</p> <p>Outcome #: _____ Service: _____ Frequency: _____ Cost: _____</p> <p>Outcome #: _____ Service: _____ Frequency: _____ Cost: _____</p>

Points	CATEGORY: D Daily Living Supports (4 to 6 points)
_____	4 pts. The service/support is necessary to help the person perform activities of daily living , e.g., communication, mobility, self-care, etc. or to assist an individual with independent living or developing the skills necessary to do so. Examples include personal assistance, supported employment, habilitation training, therapy services (including Applied Behavior Analysis), specialized medical equipment and supplies, and environmental accessibility adaptations.
_____	Add points if the person currently lives independently (i.e., is not receiving residential services, including ISL) and is at risk of moving to a more restrictive setting or of losing a degree of independence without the service/support requested. + 2 pts. Immediate (within 30 days). + 1 pt. Prospective (likely within 1 year).
_____	Cumulative points for Category Daily Living Supports. (Not to exceed 6)
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

Points	CATEGORY: I Inclusion and/or Recreational Supports (In-Home Supports Only)
_____	2 pts. Service/support is necessary to address barriers that might keep the person from fully participating in his/her community and/or recreational activities.
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

There are no other contributors to Category Inclusion and/or Recreational Supports.

Points	CATEGORY: L Long Term Planning: This category is either 2 pts OR 1 pt
_____	2 pts. Person is receiving residential services from an alternative funding source (Children's Division or DMH-CPS). Current residential situation has a time limitation or age restriction and the person has no natural home in which to return or person is receiving residential services from DMH but needs enhanced or alternative services (Rescore service need 6 months prior to time limited funds ending)
_____	OR
_____	1 pt Family has long term planning needs, e.g. knows that they want placement sometime in the future.
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

There are no other contributors to Category Long Term Planning

Complete both Checklists on this page as they pertain to either Category Health and Safety or Family Support:

- Check every applicable event to create a clear picture of the situation.
- A maximum of 2 points from each section can be allocated to the category, for a total of 4 points, even though more may apply.
- If there is only 1 contributing point in the Behavioral Checklist, but three or more points in the Physical Checklist, you cannot count a total of 4 points. Only 2 points per checklist.
- When the checklist points are tallied, transfer total points to appropriate category.
- Unless otherwise noted, the behavioral or physical need identified must have occurred within the last year.

Points	BEHAVIORAL SUPPORTS CHECKLIST
	<input type="checkbox"/> +1 pt. Made threats verbally and/or physically(with reasonable threat of physical harm). <input type="checkbox"/> +1 pt. Destroyed property. <input type="checkbox"/> +1 pt. Ran away (elopement) or leaves area of safety and supervision. <input type="checkbox"/> +1 pt. Abused alcohol and/or substances. <input type="checkbox"/> +1 pt. 2 or more medications used to treat mental illness and/or for behavioral control. <input type="checkbox"/> +1 pt. Compulsive/Ritualistic behavior that significantly interferes with the person's and family's daily routines. <input type="checkbox"/> +2 pts. Harmed himself or herself. <input type="checkbox"/> +2 pts. Harmed others (includes animals). <input type="checkbox"/> +2 pts. Ingested toxic and/or non-food substances or dangerous food/liquid quantities. <input type="checkbox"/> +2 pts. Made a suicide attempt or threat. <input type="checkbox"/> +2 pts. Set fires <input type="checkbox"/> +2 pts. Been sexually aggressive. <input type="checkbox"/> +2 pts. Physical restraint used in last 6 months. <input type="checkbox"/> +2 pts. Awake overnight.
2pt max.	
Points	PHYSICAL SUPPORTS CHECKLIST
	<input type="checkbox"/> +1 pt. Chronic pain. <input type="checkbox"/> +1 pt. Significant weight loss or gain (5% of body weight within last 30 days or 10% within last 6 months). <input type="checkbox"/> +1 pt. Legally blind requiring assistive measures even in familiar settings. <input type="checkbox"/> +1 pt. Legally deaf making interactive communication difficult for caregiver or requiring specialized equipment. <input type="checkbox"/> +2 pts. Frequent illnesses that interfere with the person and family's daily routines. <input type="checkbox"/> +2 pts. Frequent injuries and/or falls that require medical attention. <input type="checkbox"/> +2 pts. Seizures—frequent and uncontrolled and/or that required emergency hospitalization within the last year. <input type="checkbox"/> +2 pts. Suctioning, tracheotomy, oxygen therapy, ventilator. <input type="checkbox"/> +2 pts. Choking/choking precautions. <input type="checkbox"/> +2 pts. Tube feeding and/or spoon feeding by caregiver. <input type="checkbox"/> +2 pts. Incontinence; daily catheterization and/or bowel care. <input type="checkbox"/> +2 pts. Person requires lifting for transfer that is difficult for caregiver(s). <input type="checkbox"/> +2 pts. Orthopedic conditions—scoliosis, hip dysplasia, contractures, etc. <input type="checkbox"/> +2 pts. Skin breakdowns.
2pt max.	

_____ Total points of both categories that can be allocated to chosen category. Not to exceed 4.

AUTHORITY: sections 630.050 and 633.110.2, RSMo 2000. Original rule filed March 31, 2006.

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 opposition to this proposed rule by writing to Kay Green, Director of Federal Programs, Division of Mental Retardation and Developmental Disabilities, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be in writing and 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 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis
Metropolitan Area**

PROPOSED AMENDMENT

10 CSR 10-5.300 Control of Emissions From Solvent Metal Cleaning. The commission proposes to amend original subsection (1)(C) and add new subsection (1)(D), reletter original subsections (2)(E)–(H) and (2)(J), amend and reletter original subsection (2)(I), and add new subsections (2)(E), (2)(I), (2)(J), (2)(K), (2)(M), (2)(N)–(2)(P), delete original subsection (3)(A) and amend and reletter original subsections (3)(B)–(3)(D), and amend original subsections (4)(A)–(4)(D). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/reg/ragenda.htm.

PURPOSE: This rule specifies equipment, operating procedures, and training requirements for the reduction of volatile organic compound emissions from solvent metal cleaning operations in the St. Louis metropolitan area. This proposed amendment addresses industry concerns about provisions in the current rule related to enforcement and compliance. This amendment clarifies the rule by consolidating exemptions in the applicability section, adding new exemptions (such as hand cleaning/wiping and flush cleaning operations), adding definitions of new and previously undefined terms, and clarifying rule language regarding operating procedure requirements for spray gun cleaners and air-tight and airless cleaning systems. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are the Boeing Company letter dated February 5, 2002 and the department's Air Pollution Control Program letter dated March 4, 2002.

(1) Application/bility.

(C) This rule applies to *[all] any of the following processes [which] that use [cold cleaners, open-top vapor degreasers or conveyORIZED degreasers, using nonaqueous solvents to clean and remove soils from metal surfaces.] nonaqueous solvents to clean and remove soils from metal parts:*

1. Spray gun cleaners;
2. Cold cleaners with a solvent reservoir or tank;
3. Open-top or conveyORIZED vapor degreasers; or
4. Air-tight or airless cleaning systems.

(D) Exemptions.

1. The following shall be exempt from this rule:

A. Cold cleaners with liquid surface areas of one (1) square foot or less or maximum capacities of one (1) gallon or less;

B. Solvent cleaning operations that meet the emission control requirements of 10 CSR 10-5.295, 10 CSR 10-5.330, 10 CSR 10-5.340 or 10 CSR 10-5.442;

C. Solvent metal cleaning operations regulated under 40 CFR 63 subpart T, National Emission Standards for Halogenated Solvent Cleaning;

D. The cleaning of electronic components, medical devices or optical devices;

E. Hand cleaning/wiping operations; and

F. Flush cleaning operations.

2. The following shall be exempt from the solvent vapor pressure requirements of subparagraphs (3)(A)1.A. and (3)(A)1.B. of this rule:

A. Sales of cold cleaning solvents in quantities of five (5) gallons or less;

B. Cold cleaners or open-top vapor degreasers using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants; and

C. Janitorial and institutional cleaning.

3. All wastes that are subject to hazardous waste requirements at 10 CSR Division 25, Chapters 4 through 9 shall be exempt from the requirements of subparagraphs (3)(B)1.E., (3)(B)2.J., (3)(B)3.G., (3)(B)4.B. and (3)(B)5.G., and subsection (4)(A) of this rule.

(2) Definitions.

(E) Flush cleaning—The removal of contaminants such as dirt, grease and coatings from a component or coating equipment by passing solvent over, into or through the item being cleaned. The solvent drained from the item may be assisted by air, compressed gas, hydraulic pressure or by pumping.

((E))/(F) Freeboard area—The air space in a batch-load cleaner that extends from the liquid surface to the top of the tank.

((F))/(G) Freeboard height—

1. The distance from the top of the solvent to the top of the tank for batch-loaded cold cleaners;

2. The distance from the air-vapor interface to the top of the tank for open-top vapor degreasers; or

3. The distance from either the air-solvent or air-vapor interface to the top of the tank for conveyORIZED degreasers.

((G))/(H) Freeboard ratio—The freeboard height divided by the smaller of either the inside length or inside width of the degreaser.

(I) Hand cleaning/wiping operation—The removal of contaminants such as dirt, grease, oil and coatings from a surface by physically rubbing it with a material such as a rag, paper or cotton swab that has been moistened with a cleaning solvent.

(J) Institutional cleaning—Cleaning activities conducted at organizations, societies or corporations including, but not limited to schools, hospitals, sanitariums and prisons.

(K) Janitorial cleaning—The cleaning of building or facility components such as the floors, ceilings, walls, windows, doors, stairs, bathrooms, kitchens, etc.

((H))/(L) Medical device—An instrument, apparatus, implement, machine, contrivance, implant, *in vitro* reagent or other similar article, including any component or accessory that meets one (1) of the following conditions:

1. It is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease;

2. It is intended to affect the structure or any function of the body; or

3. It is defined in the *National Formulary* or the *United States Pharmacopoeia*, or any supplement to them.

(M) Nonaqueous solvent—Any solvent not classifiable as an aqueous solvent as defined in subsection (2)(C) of this rule.

(N) Optical device—An optical element used in an electro-optical device and designed to sense, detect or transmit light energy, including specific wavelengths of light energy and changes in light energy levels.

[(I)](O) Soils—Includes, but is not limited to, unwanted grease, wax, grit, ash, dirt[,] and oil[.]. **Spray gun soils, in addition, include unwanted primers, paint, specialty coatings, adhesives, sealers, resins and deadeners.**

(P) Spray gun cleaner—Equipment used to clean spray guns used to apply, but not limited to, primers, paints, specialty coatings, adhesives, sealers, resins or deadeners incorporated into a product distributed in commerce.

[(J)](Q) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

[(A)] No person shall cause or allow solvent metal cleaning or degreasing operations—

1. Without adhering to operating procedures as contained in this rule and to recommendations by the equipment manufacturer;

2. Without the minimum operator and supervisor training as specified in this rule; and

3. Unless the equipment conforms to the specifications listed in this rule.]

[(B)](A) Equipment Specifications.

1. Cold cleaners.

[(A. After September 30, 1998—

(I) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 2.0 millimeters of Mercury (mmHg) (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 2.0 mmHg (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.

B. After April 1, 2001—]

[(I)] A. No [owner or operator] one shall [operate or allow the operation of any cold cleaner using] use, sell or offer for sale for use within the City of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties a cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless [the cold cleaner is] used for carburetor cleaning[.];

[(II)] No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning[.];

[(III)] B. No [owner or operator] one shall [allow the operation of any cold cleaner using] use, sell or offer for sale for use within the City of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and].

[(IV)] No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.]

C. Each cold cleaner shall have a cover which [will] prevents the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which [will] limits the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

[(D. Exemptions.

(I) Sales of cold cleaning solvents in quantities of five (5) gallons or less shall be exempt from the requirements of parts (3)(B)1.A.(III), (3)(B)1.A.(IV), (3)(B)1.B.(II) and (3)(B)1.B.(IV) of this rule.

(II) The cleaning of electronic components shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(III) Solvent cleaning operations which meet the emission control requirements of 10 CSR 10-5.295, 10 CSR 10-5.330, 10 CSR 10-5.340 or 10 CSR 10-5.442 shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(IV) Cold cleaners using aqueous solvents shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(V) Cold cleaners using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(VI) Any cold cleaner with a liquid surface area of one (1) square foot or less or a maximum capacity of one (1) gallon or less shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VII) The cleaning of medical and optical devices shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VIII) Air-tight or airless cleaning systems shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule if the following requirements are met:

(a) The equipment is operated in accordance with the manufacturer's specifications and operated with a door or other pressure sealing apparatus that is in place during all cleaning and drying cycles;

(b) All waste solvents are stored in properly identified and sealed containers, and managed in compliance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 25, as applicable. All associated pressure relief devices shall not allow liquid solvents to drain out;

(c) *Spills during solvent transfer shall be wiped up immediately and managed in compliance with the Missouri Hazardous Waste Commission rules for reference codified at 10 CSR 25, as applicable, and the used wipe rags shall be stored in closed containers; and*

(d) *A differential pressure gauge shall be installed to indicate the sealed chamber pressure.*

(IX) *Janitorial and institutional cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.*

(X) *Spray gun cleaning. Each owner or operator of a manufacturing and/or rework operation shall clean spray guns used in the application of (and not limited to) primers, paint, specialty coatings, adhesives, sealers, resins and deadeners utilizing one (1) or more of the following techniques:*

(a) *Enclosed system spray gun cleaning shall consist of forcing solvent through the gun. Spray gun cleaning machines used to clean spray guns with the exception of remote open top spray gun cleaning machines shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns and nozzles only may be cleaned in remote closed top spray gun cleaning machines containing solvent-based materials capable of cleaning, provided the removable clean and spent solvent containers (not to exceed thirty (30) gallons in size) are kept tightly closed or covered at all times except when being accessed or maintained. All remote spray gun cleaning machines shall be operated within the manufacturers specifications. All remote closed top spray gun cleaning machines shall not be operated unless the cover is closed and shall be closed or covered when not in use;*

(b) *Nonatomized cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place. No atomizing air is to be used. The cleaning solvent from the spray gun shall be directed into (and not limited to) a pail, bucket, drum, or other waste container that is closed when not in use;*

(c) *Disassembled spray gun cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by disassembling and cleaning the components by hand in a cold cleaner, which shall remain closed at all times except when in use. Alternatively, the components shall be soaked in a cold cleaner, which shall remain closed during the soaking period and when not inserting or removing components;*

(d) *Atomizing cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions; and*

(e) *Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that can be programmed to spray into a closed container, shall be exempt from the requirements of part (3)(B)1.D.(X).]*

[E.]D. An owner or operator of a cold cleaner may use an alternate method for reducing cold cleaning emissions if the owner or operator shows the level of emission control is equivalent to or greater than the requirements of [parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III)] subparagraphs (3)(A)1.A. and (3)(A)1.B. of this rule. This alternate method must be approved by the director.

[F.]E. When one (1) or more of the following conditions exist, the cover shall be designed to [of the cover shall be such

that it can be] operate easily [operated with one (1) hand] such that minimal disturbing of the solvent vapors in the tank occurs. (For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counter weighing or by power systems):

(I) The solvent vapor pressure is greater than 0.3 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)), such as in mineral spirits];

(II) The solvent is agitated; or

(III) The solvent is heated.

[G.]F. Each cold cleaner shall have an internal drainage facility [which will be internal] so that parts are enclosed under the cover while draining.

[H.]G. If an internal drainage facility cannot fit into the cleaning system and the solvent vapor pressure is less than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

[I.]H. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause splashing above or beyond the freeboard.

[J.]I. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

[K.]J. Any cold cleaner which uses a solvent that has a solvent vapor pressure greater than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)) or heated above forty-eight point nine degrees Celsius (48.9°C) (one hundred twenty degrees Fahrenheit (120°F)) must use one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) Water cover (solvent must be insoluble in and heavier than water); or

(III) Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval from the director prior to their use.

2. Open-top vapor degreasers.

A. Each open-top vapor degreaser shall have a cover [which] that will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily [with one (1) hand] such that minimal disturbing of the solvent vapors in the tank occurs. For covers larger than ten (10) square feet, easy cover use shall be accomplished by either mechanical assistance, such as spring loading or counter weighing or by power systems.

B. Each open-top vapor degreaser shall be equipped with a vapor level [safety thermostat with a manual reset which] control device that shuts off the heating source when the vapor level rises above the cooling or condensing coil, or an equivalent safety device approved by the director.

C. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths (10 3/4) square feet shall be equipped with at least one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) A refrigerated chiller;

(III) An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);

(IV) A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(V) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

D. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

[E. Exemption. Open-top vapor degreasers using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.]

3. Conveyorized degreasers.

A. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.

B. Each conveyorized degreaser shall have the following safety *[switches or equivalent safety]* devices *[approved by the director]* which operate if the machine malfunctions:

(I) A vapor level *[safety thermostat with manual reset which]* control device that shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

(II) A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber./.; or

(III) Equivalent safety devices approved by the director.

C. Entrances and exits shall silhouette workloads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.

D. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.

E. A permanent, conspicuous label summarizing the operating procedures shall be affixed to the equipment.

F. If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:

(I) A refrigerated chiller;

(II) Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(III) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

4. Air-tight or airless cleaning systems. Air-tight or airless cleaning systems shall:

A. Have a permanent conspicuous label affixed to the equipment summarizing the operating procedures;

B. Be equipped with a differential pressure gauge to indicate the sealed chamber pressure under vacuum; and

C. Be equipped with a safety alarm to alert the operator of equipment malfunction.

[(C)](B) Operating Procedure[s] Requirements.

1. Cold cleaners.

A. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir except when performing maintenance or collecting solvent samples.

B. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer. **Parts having cavities or blind holes shall be tipped or rotated while the part is draining. During the draining, tipping or rotating, the parts shall be positioned so that the solvent drains directly back to the cold cleaner.**

C. Whenever a cold cleaner fails to perform within the rule operating *[parameters established for it by this rule]* requirements, the unit shall be shut down immediately and shall remain shut down until *[the operator or trained service personnel are able*

to restore operation within the established parameters] operation is restored to meet the rule operating requirements.

D. Solvent leaks shall be repaired immediately or the **degreaser cold cleaner** shall be shut down until the leaks are repaired *[by the operator or trained service personnel]*.

E. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods *[and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable]* or an equivalent method approved by the director:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

F. Waste solvent shall be stored in *[covered]* closed containers only.

2. Open-top vapor degreasers.

A. The cover shall be kept closed at all times except when processing workloads through the **open-top vapor** degreaser, *[except when]* performing maintenance or collecting solvent samples.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage;

(II) Parts shall be moved in and out of the **open-top vapor** degreaser at less than eleven feet (11') per minute;

(III) Workload shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases, **whichever is longer**;

(IV) Pools of solvent shall be removed from cleaned parts before removing parts from the **open-top vapor** degreaser freeboard area; and

(V) Cleaned parts shall be allowed to dry within the **open-top vapor** degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

C. Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.

D. If workloads occupy more than half of the **open-top vapor** degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

E. Spray shall never extend above vapor level.

F. Whenever an open-top vapor degreaser fails to perform within the rule operating *[parameters established for it by this rule]* requirements, the unit shall be shut down until *[the operator or trained service personnel are able to restore]* operation *[within the established parameters]* is restored to meet the rule operating requirements.

G. Solvent leaks shall be repaired immediately or the **open-top vapor** degreaser shall be shut down until the leaks are repaired *[by the operator or trained service personnel]*.

H. Ventilation exhaust from the **open-top vapor** degreaser shall not exceed sixty-five (65) cubic feet per minute per square foot of the **open-top vapor** degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the **open-top vapor** degreaser opening.

I. Water shall not be visually detectable in solvent exiting the water separator, **except for automatic water separators that by configuration do not allow visual inspection.**

J. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or an equivalent *[and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable]* method approved by the director:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

- (a) A contract reclamation service; or
- (b) A disposal facility approved by the director.

K. Waste solvent shall be stored in closed containers only.

3. Conveyorized degreasers.

A. Ventilation exhaust from the conveyorized degreaser shall not exceed sixty-five (65) cubic feet per minute per square foot of conveyorized degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the conveyorized degreaser opening.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage;

and

(II) Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

C. Whenever a conveyorized degreaser fails to perform within the rule operating [*parameters established for it by this rule*] requirements, the unit shall be shut down immediately and shall remain shut down until [*the operator or trained service personnel are able to restore*] operation [*within the established parameters*] is restored to meet the rule operating requirements.

D. Solvent leaks shall be repaired immediately or the conveyorized degreaser shall be shut down until the leaks are repaired [*by the operator or trained service personnel*].

E. Water shall not be visually detectable in solvent exiting the water separator.

F. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shut down and removed just before they are started up.

[*G. Waste solvent shall be stored in closed containers only.*]

[*H./G.* Any waste material removed from a conveyorized degreaser shall be disposed of by one (1) of the following methods or an equivalent [*and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable*] method approved by the director:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

- (a) A contract reclamation service; or
- (b) A disposal facility approved by the director.

H. Waste solvent shall be stored in closed containers only.

4. Spray gun cleaners.

A. Cleaning of spray guns shall be accomplished by use of one (1) or more of the following methods:

(I) Enclosed spray gun cleaning. Enclosed system spray gun cleaning shall consist of forcing solvent through the spray gun and/or spray gun parts. Spray guns and/or spray gun parts shall only be cleaned in remote closed top spray gun cleaning machines under the following conditions:

(a) The spray gun cleaning machine is operated within the manufacturer's specifications and with the lid kept tightly closed at all times except when being accessed or maintained; and

(b) Removable containers (which shall not exceed thirty (30) gallons in size) for clean, used and waste solvent, are kept tightly closed except when being accessed or maintained;

(II) Nonatomized spray gun cleaning. Nonatomized spray gun cleaning shall consist of placing solvent in the pressure pot and forcing it through the spray gun with the atomizing cap in place. Spray guns shall only be cleaned through nonatomized spray gun cleaning under the following conditions:

- (a) No atomizing air shall be used; and

(b) The cleaning solvent from the spray gun shall be directed into a pail, bucket, drum or other waste container that is closed when not in use;

(III) Disassembled spray gun cleaning. Disassembled spray gun cleaning shall be accomplished by disassembling the spray gun to be cleaned and cleaning the components by one (1) of the following methods:

(a) By hand in a spray gun cleaner, which shall remain closed except when in use; or

(b) By soaking in a spray gun cleaner, which shall remain closed during the soaking period and when not inserting or removing components; or

(IV) Atomized spray gun cleaning. Atomized spray gun cleaning shall consist of forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions. Cleaning of the nozzle tips of an automated spray equipment system is exempt from the requirements of paragraph (3)(B)4. of this rule, unless the system is a robotic system that is programmed to spray into a closed container.

B. Any waste material removed from a spray gun cleaning system shall be disposed of by one (1) of the following methods or an equivalent method approved by the director:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

- (a) A contract reclamation service; or
- (b) A disposal facility approved by the director.

C. Waste solvent shall be stored in closed containers only.

5. Air-tight and airless cleaning systems.

A. Operate the air-tight and airless cleaning systems with a door or other pressure sealing apparatus in place during all cleaning and drying cycles.

B. All associated pressure relief devices shall not allow liquid solvent to drain out of the equipment.

C. Solvent leaks shall be repaired immediately or the air-tight or airless cleaning system shall be shut down until the leaks are repaired.

D. The air-tight and airless cleaning systems shall be operated within the manufacturer's specifications.

E. Parts shall be positioned, if practical, to allow full drainage and pools of solvent shall be removed from cleaned parts before removing parts from the air-tight or airless cleaning system.

F. Wipe up solvent leaks and spills immediately and store the used rags in closed containers.

G. Any waste material removed from an air-tight and airless cleaning system shall be disposed of by one (1) of the following methods or an equivalent method approved by the director:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

- (a) A contract reclamation service; or
- (b) A disposal facility approved by the director.

H. Waste solvent shall be stored in closed containers only.

[(D)](C) Operator and Supervisor Training.

1. Only persons trained in at least the operational and equipment requirements specified in this rule for their particular solvent metal cleaning process shall be permitted to operate the equipment.

2. The [*supervisor of*] person who supervises any person who operates [*a*] solvent [*metal*] cleaning [*process*] equipment regulated by this rule shall receive equal or greater operational training than the operator.

3. *[Refresher training]* A procedural review shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

4. Training records shall be maintained per subsections (4)(D) and (4)(E) of this rule.

15. *Operator and supervisor personnel training and record keeping is exempt for spray gun cleaning operations that are regulated by 10 CSR 10-5.295 Control of Emissions From Aerospace Manufacturing and Rework.*

(4) Reporting and Record Keeping.

(A) The owner or operator of a solvent metal cleaning or degreasing operation shall keep *[monthly]* records of *[solvent types and amounts purchased and solvent consumed. These records shall include]* all types and amounts of solvents containing waste material from cleaning or degreasing operations transferred either to a contract reclamation service or to a disposal facility and all amounts distilled on the premises. The records also shall include maintenance and repair logs for both the degreaser and any associated control equipment. The director may require additional record keeping if necessary to adequately demonstrate compliance with this rule.

(B) *[After September 30, 1998, a]* All persons that use any solvent subject to the requirements of *[parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I), (3)(B)1.B.(III)]* subparagraph (3)(A)1.A. or (3)(A)1.B. of this rule shall maintain records which include for each purchase of cold cleaning solvent:

1. The name and address of the solvent supplier;
2. The date of purchase;
3. The type of solvent; and
4. The vapor pressure of the solvent in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)).

(C) *[After September 30, 1998, a]* All persons that sell or offer for sale any solvent subject to the requirements of *[parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II), (3)(B)1.B.(IV)]* subparagraph (3)(A)1.A. or (3)(A)1.B. of this rule shall maintain records which include for each sale of cold cleaning solvent:

1. The name and address of the solvent purchaser;
2. The date of sale;
3. The type of solvent;
4. The unit volume of solvent;
5. The total volume of solvent; and
6. The vapor pressure of the solvent measured in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)).

(D) A record shall be kept of solvent metal cleaning training *[for each employee except per paragraph (3)(D)5]* required by subsection (3)(C) of this rule.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Nov. 14, 1978, effective June 11, 1979. Amended: Filed Oct. 4, 1988, effective March 11, 1989. Emergency amendment filed Sept. 2, 1997, effective Jan. 1, 1998, expired June 30, 1998. Amended: Filed Sept. 22, 1997, effective May 30, 1998. Amended: Filed Sept. 13, 2001, effective May 30, 2002. Amended: Filed April 3, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., June 29, 2006. The public hearing will be held at the Governor Office Building, Room 450, 200 Madison Street, Jefferson City, MO 65101. Opportunity to be heard at the hearing shall be

afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., July 6, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 3—Hazardous Waste Management
System: General**

PROPOSED AMENDMENT

10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information. The commission is amending section (1).

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 260, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the Code of Federal Regulations.

(1) The regulations set forth in 40 CFR part 260, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference, subject to the following additions, modifications, substitutions or deletions. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 260.370, RSMo Supp. 2005 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed March 31, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary

of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 4—Methods for Identifying Hazardous Waste**

PROPOSED AMENDMENT

10 CSR 25-4.261 Methods for Identifying Hazardous Waste. The commission is amending section (1).

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 261, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**.

(1) The regulations set forth in 40 CFR part 261, July 1, [2000] **2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference**, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332, June 13, 1991, 60 FR 7366, February 7, 1995, and 63 FR 33823, June 19, 1998 [are incorporated by reference]. **This rule does not incorporate any subsequent amendments or additions.** Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: section 260.370, RSMo [2000] *Supp.* 2005. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 31, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 5—Rules Applicable to Generators of
Hazardous Waste**

PROPOSED AMENDMENT

10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste. The commission is amending section (1).

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 262, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**.

(1) The regulations set forth in 49 CFR part 172, October 1, 1999, 40 CFR 302.4 and .5, July 1, [2000] **2004**, and 40 CFR part 262, July 1, [2000] **2004** except Subpart H, **as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.** Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: sections 260.370 and 260.380, RSMo [2000] *Supp.* 2005. This rule was previously filed as 10 CSR 25-5.010. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 31, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 6—Rules Applicable to Transporters of
Hazardous Waste**

PROPOSED AMENDMENT

10 CSR 25-6.263 Standards for Transporters of Hazardous Waste. The commission is amending section (1) and deleting the forms following the rule in the *Code of State Regulations*.

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 1997, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 263, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the Code of Federal Regulations.

(1) The regulations set forth in 40 CFR part 263, July 1, [1997] 2004; 49 CFR parts 171–180, November 1, 1990, and December 1, 1997; and 49 CFR parts 40, 383, 387, 390–397, October 1, 1990 and October 1, 1997, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference, except for 49 CFR 390.3(f)(2), which is not incorporated by reference. **This rule does not incorporate any subsequent amendments or additions.** Except as provided other-

wise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule except that the modifications do not apply to the 49 CFR parts incorporated in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: sections 260.370, RSMo Supp. 2005 and 260.385 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed March 31, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

PROPOSED AMENDMENT

10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities. The commission is amending section (1).

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 264, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The

amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 264, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control. "Owner/operator," as defined in 10 CSR 25-3.260(2)(O)3., shall be substituted for any reference to "owner and operator" or "owner or operator" in 40 CFR part 264 incorporated in this rule.

AUTHORITY: sections 260.370, *RSMo Supp. 2005 and 260.390 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed March 31, 2006.*

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

PROPOSED AMENDMENT

10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities. The commission is amending section (1).

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations (CFR)*. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations.

Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 265, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 265, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: sections 260.370, *RSMo Supp. 2005 and 260.390 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed March 31, 2006.*

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

PROPOSED AMENDMENT

10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities. The commission is amending section (1).

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations (CFR)*. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000.

One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000 and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 266, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 266, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: sections 260.370, *RSMo Supp. 2005* and 260.390 and 260.395, *RSMo 2000*. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

PROPOSED AMENDMENT

10 CSR 25-7.268 Land Disposal Restrictions. The commission is amending section (1).

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal*

Regulations (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 268, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 268, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: sections 260.370, *RSMo Supp. 2005* and 260.390, 260.395 and 260.400, *RSMo 2000*. Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

PROPOSED AMENDMENT

10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program. The commission is amending

section (1) and deleting the forms following the rule in the *Code of State Regulations*.

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 270, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**.

(1) The regulations set forth in 40 CFR part 270, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: sections 260.370, RSMo Supp. 2005 and 260.390 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 11—Used Oil**

PROPOSED AMENDMENT

10 CSR 25-11.279 Recycled Used Oil Management Standards. The commission is amending section (1) and deleting the forms following this rule in the *Code of State Regulations*.

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 279, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**.

(1) The regulations set forth in 40 CFR parts 110.1, 112 and 279, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: section 260.370, RSMo [2000] Supp. 2005. Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 16—Universal Waste**

PROPOSED AMENDMENT

10 CSR 25-16.273 Standards for Universal Waste Management.
The commission is amending section (1).

PURPOSE: This rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 273, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**.

(1) The regulations set forth in 40 CFR part 273, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: section 260.370, RSMo [2000] Supp. 2005. Original rule filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records**

PROPOSED AMENDMENT

11 CSR 45-3.010 Commission Records. The commission is deleting section (4) and renumbering the remaining sections.

PURPOSE: The commission proposes to amend this rule by deleting section (4), the requirements of which are being incorporated into 11 CSR 45-10.020.

[(4)] All licensees shall provide the commission a monthly update of the information required in section 313.847, RSMo on forms provided by the commission. All licensees shall have a duty to inform the commission of any material change of facts happening after the filing of an application.]

[(5)] (4) Pursuant to section 313.847, RSMo, the commission shall not disclose to the public the following records:

(A) Any information that cannot be disclosed pursuant to any intergovernmental agreement;

(B) Portions of the application including, but not limited to: exhibits attached to the application such as personal financial records of an applicant, income tax returns, bank records, plans for internal security and surveillance, copies of the proposed internal control procedures, Personal Disclosure Form I and Personal Disclosure Form II;

(C) The background investigations conducted by the commission or information obtained from any intergovernmental agency concerning any applicant for licensure;

(D) Internal controls and plans for surveillance of a licensee; and

(E) Investigations on any licensee.

[(6)] (5) Except as otherwise required under section 313.847.1, RSMo, all investigatory, proprietary or application records, information and summaries in the possession of the commission or its agents may be treated by the commission as closed records not to be disclosed to the public.

[(7)] (6) The commission may charge a fee for copying public records, which fee shall not exceed the actual cost of document search and duplication. The commission shall provide a list of fees charged for copying public records upon request.

[(8)] (7) Payment of any copying fees and search fees may be required before any information will be provided.

[(9)] (8) All fees are nonrefundable.

AUTHORITY: sections 313.004, 313.805 and 313.847, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 21, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10 a.m. on June 15, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.260 Occupational Licenses. The commission is deleting section (5) and renumbering section (6).

PURPOSE: The commission proposes to amend this rule by deleting section (5), the requirements of which are being incorporated into 11 CSR 45-10.020.

[(5) The applicant shall be responsible to keep its pending application current at all times. The applicant shall notify the commission in writing within ten (10) days of any changes to any response in the application and this obligation shall continue throughout any period of licensure granted by the commission.]

*[(6)] (5) Within the five (5)-year period immediately preceding application for an occupational license or while holding an occupational license, a conviction, plea of guilty or *nolo contendere*, or the entering of an Alford plea in any jurisdiction for the following types of misdemeanor or municipal offenses, including such findings or pleas in a suspended imposition of sentence, shall make the applicant or licensee unsuitable to hold an occupational license: 1) any gambling-related offense; or 2) any offense an essential element of which is theft, fraud, or dishonesty. Applicants or licensees may be unsuitable to hold an occupational license for convictions, pleas of guilty or *nolo contendere*, or the entering of an Alford plea for other types of misdemeanor or municipal offenses within such five (5)-year period, including such findings or pleas in a suspended imposition of sentence.*

AUTHORITY: sections 313.004 and 313.805, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed March 21, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m. on June 15, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.060 Audits. The commission is deleting section (6), amending section (11) and renumbering the remaining sections.

PURPOSE: The commission proposes to amend this rule by deleting the requirement that licensees submit reports to the commission that have been filed with securities regulatory agencies.

[(6) If the licensee is publicly held, the licensee shall submit to the commission one (1) copy of any report, including Forms S-1, 8-K, 10-Q and 10-K, required to be filed by the licensee or affiliates with the Securities and Exchange Commission or other domestic or foreign securities regulatory agency, at the time of filing with that commission or agency.]

[(7)] (6) Delays in mailing, mail pickups and postmarkings are the licensee's responsibility.

[(8)] (7) The commission may request additional information and documents from either the licensee or the licensee's C.P.A., through the licensee, regarding the financial statements or the services performed by the accountant. Failure to submit the requested information or documents is an unsuitable method of operation.

[(9)] (8) All of the audits and reports required by this rule, and any special audits of a licensee required by the commission or its director, shall be prepared at the sole expense of the licensee.

[(10)] (9) Any audits conducted in accordance with this rule, shall be conducted by independent C.P.A.s registered or licensed in Missouri under Chapter 326, RSMo, and selected by the commission. The commission shall consider the following:

- (A) Prior experience of the firm in auditing gaming entities of similar size;*
- (B) Availability of sufficient numbers of qualified personnel;*
- (C) Submission of the firm to a peer review, and successful results; and*
- (D) Other factors as determined by the commission.*

[(11)] (10) The term independent as used in section [(10)] (9) of this rule is consistent with that set forth in 4 CSR 10-3.020, and definitions set forth by the American Institute of Certified Public Accountants or the rules of the Securities and Exchange Commission, or both, to the extent applicable.

AUTHORITY: sections 313.004, 313.805 and 313.825, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed March 21, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m. on June 15, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 10—Licensee's Responsibilities**

PROPOSED AMENDMENT

11 CSR 45-10.020 Licensee and Applicant's Duty to Disclose Changes in Information. The commission is amending the title,

section (1) by dividing section (1) into sections (1) and (3), and adding new sections (2) and (4).

PURPOSE: The commission proposes to amend this rule by allowing certain licensees thirty (30) days to report material changes in information and clarifying the definition of material changes.

(1) **All licensees and [A] applicants for Class A, supplier or Level I and key person occupational licenses issued by the commission shall have a continuing duty to disclose in writing, within [ten (10) business/ thirty (30) calendar days, any material change/s/ in the information provided in the application forms and requested materials submitted to the commission. Any change in information that is not material must be disclosed to the commission during the licensee's next subsequent application for license renewal.**

(2) **All Level II occupational licensees and applicants shall have a continuing duty to disclose in writing, within ten (10) calendar days, any material change in the information provided in the application forms and requested materials submitted to the commission.**

(3) The duty to disclose changes in information shall continue throughout any **application period or period of licensure** granted by the commission. This duty shall be in addition to any other reporting requirements.

(4) **For the purposes of this rule, "material change" shall mean any change in personal identification or residence information, such as name, address, and phone number; information required in section 313.847, RSMo; or other information that might affect an applicant or licensee's suitability to hold a gaming license, including, but not limited to, arrests, convictions, and guilty pleas, disciplinary actions or license denials in other jurisdiction(s), significant changes in financial condition, or relationships or associations with persons having criminal records or notorious reputations.**

AUTHORITY: sections 313.004, 313.805, and 313.807, RSMo 2000 and 313.800, RSMo Supp. 2005. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired on Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed April 28, 2004, effective Dec. 30, 2004. Amended: Filed March 21, 2006.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m. on June 15, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 200—Corporate Income Tax**

PROPOSED RULE

12 CSR 10-200.010 State Tax Add Back

PURPOSE: Section 143.431.2, RSMo, requires the add back of other states' income tax in determining Missouri taxable income. This rule explains which states' taxes are required to be added back.

(1) In general, in determining its Missouri taxable income, a corporation is required to add to its federal taxable income any state income tax.

(2) Definition of Terms.

(A) Income tax—any tax, regardless of the label used in the other state, imposed solely on the net income from past business conducted in the state.

(B) State—Missouri, any other state of the United States or any political subdivision thereof, or the District of Columbia.

(3) Basic Application.

(A) A corporation in determining its Missouri taxable income must add back the income tax that was deducted in determining its federal taxable income/loss for the taxable year even if line 1 on the Missouri return is zero or negative.

(B) The state taxes that are to be added back:

1. Alabama;
2. Alaska;
3. Arizona;
4. Arkansas;
5. California (income tax and franchise tax);
6. Colorado;
7. Delaware;
8. Florida;
9. Georgia (excludes net worth tax);
10. Hawaii;
11. Idaho;
12. Illinois (includes replacement tax);
13. Indiana;
14. Iowa;
15. Kansas;
16. Kentucky;
17. Louisiana;
18. Maine;
19. Maryland;
20. Mississippi;
21. Missouri;
22. Nebraska;
23. New Mexico;
24. North Carolina;
25. North Dakota;
26. Oklahoma;
27. Pennsylvania;
28. Rhode Island;
29. South Carolina (excludes capital stock tax);
30. South Dakota;
31. Tennessee (excise tax);
32. Vermont;
33. Virginia;
34. West Virginia;
35. District of Columbia (franchise tax); and
36. Other city income taxes outside Missouri.

(4) Examples.

(A) A corporation does business in Missouri. On its federal income tax return it deducted the:

- a) Tennessee excise tax;
- b) Cleveland, Ohio city tax;
- c) Ohio franchise tax;
- d) New York city tax;
- e) Michigan single business tax;

- f) Missouri corporate income tax;
- g) Missouri corporation franchise tax; and
- h) St. Louis City earnings tax.

On its Missouri corporate income tax return the corporation must add back the:

- a) Tennessee excise tax;
- b) Cleveland, Ohio city tax;
- c) Missouri corporate income tax; and
- d) New York city tax.

The corporation does not add back the Ohio franchise tax because it is an annual tax imposed on corporations in Ohio and it is not based solely on income. The corporation does not add back the Michigan single business tax because it is not an income tax based solely on net income. The corporation does not add back the Missouri corporation franchise tax because it is not based upon net income. The corporation does not add back the St. Louis City earnings tax because section 143.141.2, RSMo, specifically excludes adding back such Missouri municipality tax.

(B) A corporation does business in Missouri. On its federal income tax return it deducted the Tennessee excise tax and the Cleveland, Ohio city tax. The corporation has a net operating loss on line 30 of its federal income tax return for the taxable year. On its Missouri corporate income tax return the corporation must add back the Tennessee excise tax and the Cleveland, Ohio city tax.

(C) A corporation does business in Missouri and incurs a net operating loss for the current year. The corporation carries the net operating loss back for federal income tax purposes. On its amended prior year federal income tax return there were no changes to the original return deductions. On its amended prior year Missouri return the corporation may not change its original income tax add back.

AUTHORITY: sections 143.961, RSMo 2000 and 143.431, RSMo Supp. 2005. Original rule filed March 16, 2006.

PUBLIC COST: This proposed rule will cost the Missouri Department of Revenue between five thousand six hundred one dollars (\$5,601) and eleven thousand two hundred two dollars (\$11,202), with that cost recurring annually over the life of the rule.

PRIVATE COST: This proposed rule will cost private entities between sixty-seven thousand dollars (\$67,000) and three hundred thirty-five thousand dollars (\$335,000), with that cost recurring annually over the life of the rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. 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:	12 CSR 10-200.010 State Tax Add Back
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Revenue	\$5,601 - \$11,202

III. WORKSHEET

It costs the Department of Revenue an average of \$8.36 to process a corporate income tax return. Approximately, 1%-2% of the employee's time is spent verifying this portion of the return. The cost to process this portion of the return is between \$5,601 (67,000 x \$8.36 x .01) and \$11,202 (\$67,000 x \$8.36 x .02).

IV. ASSUMPTIONS

The department cannot determine the actual costs of preparing and filing a corporate income tax return. The department assumes for purposes of this fiscal note that it costs \$8.36 per return and that the state tax add back portion of the return only takes approximately 1% to 2% of the total time to process. This cost would be incurred as a result of section 143.431.2, RSMo, regardless of the contents of this rule.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-200.010 State Tax Add Back
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by 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:
Any C – corporation filing a Missouri corporation income tax return.	Approximately 67,000 C – corporations file a Missouri corporation income tax return each year.	\$67,000 - \$335,000

III. WORKSHEET

The Department of Revenue receives approximately 67,000 C-corporation income tax returns per year. The average estimated cost to prepare and file a return per corporation is \$100 per filed return. Approximately 1%-5% of the preparer's time is spent on this portion of the return. The cost to all corporations to comply is between \$67,000 (67,000 x \$100 x .01) and \$335,000 (67,000 x \$100 x .05).

IV. ASSUMPTIONS

This rule does not change existing practice. The department cannot determine the actual costs of preparing and filing a return. The department assumes for purposes of this fiscal note that it costs \$100 per return and that the state tax add back portion of the return only takes approximately 1% to 5% of the total time to complete the return. This cost would be incurred as a result of section 143.431.2, RSMo, regardless of the contents of this rule.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 110—Fees**

PROPOSED RULE

13 CSR 40-110.030 Annual Fee for Successful Support Collections

PURPOSE: This rule defines how the Family Support Division will collect an annual fee from support payments collected on behalf of custodians in IV-D, never-assistance cases.

(1) Definitions. For the purposes of this rule, the following definitions are applicable:

(A) IV-D means part IV-D of the Social Security Act;

(B) IV-D, never-assistance case means a case in which the custodian is receiving services pursuant to section 454.400, RSMo, but has never received Aid to Families with Dependent Children or Temporary Assistance for Needy Families benefits on behalf of the child(ren) associated with the case;

(C) Case means an official record comprised of a custodian and dependent child(ren), associated with a particular obligor;

(D) Custodian means an individual to whom a duty of support is owed;

(E) Division means the Family Support Division;

(F) Obligor means an individual owing a duty of support;

(G) Support means any financial support collected for the support or maintenance of a child or the custodian of a child or a spouse or ex-spouse.

(2) Annual Fee for Successful Support Collections. Effective January 1, 2007, the division shall collect an annual fee of twenty-five dollars (\$25) each calendar year from the custodian in a IV-D, never-assistance case in which at least five hundred dollars (\$500) of support has been collected.

(A) If the custodian has more than one (1) IV-D, never-assistance case, the division shall assess the fee on each case in which at least five hundred dollars (\$500) of support has been collected in the calendar year.

(B) The division shall deduct the fee from support collected in excess of the first five hundred dollars (\$500) received for the custodian in the calendar year until the twenty-five dollar (\$25) fee is satisfied.

(C) The obligor shall receive credit toward his or her obligation for the amount deducted for the fee.

(D) The division shall not assess a fee in cases excluded by federal law or regulation.

AUTHORITY: section 454.400.2(5), RSMo 2000. Original rule filed March 30, 2006.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions eighty-three thousand seven hundred forty-seven dollars (\$83,747) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities \$2,233,125 per year.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Family Support Division, Janel R. Luck, Interim Director, 615 Howerton Court, PO Box 2320, 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:	13 CSR 40-110.030 Annual Fee for Successful Support Collections
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate		
	Fiscal Year 2006	Fiscal Year 2007	Fiscal Year 2008
Family Support Division			
Notices mailed to eligible entities	\$47,747	N/A	N/A
Required changes to Missouri Automated Child Support System to meet business needs	\$36,000	N/A	N/A
Total	\$83,747	N/A	N/A

III. WORKSHEET

Number of Notices	Postage Cost Per Notice	Total Mailing Cost
128,699	\$0.371	\$47,747
Number of Hours	Hourly Rate	Total Systems Cost
480	\$75	\$36,000

IV. ASSUMPTIONS

1. The fees for successful collections are collected at the case level.
2. Based on case data as of 6/30/2005, there are an estimated 128,699 cases that are or will become eligible for the fee.
3. Postage costs associated with mailing advance notices to eligible entities of the agency's intent to charge the fee is \$0.371 per notice for pre-sorted mail.
4. After implementation of the fee, notice to affected entities will be incorporated into existing agency forms/notices at no additional cost.

FISCAL NOTE
PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	13 CSR 40-110.030 Annual Fee for Successful Support Collections
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate 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:
89,325	Custodians	\$2,233,125

III. WORKSHEET

Projected eligible cases per year	Fee per eligible case	Projected annual fee collections
89,325	\$25	\$2,233,125

IV. ASSUMPTIONS

1. Fees for successful collections are collected at the case level.
2. Estimate in the aggregate is presented as the annual total for all affected custodians. The life of the rule is without end.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities

PROPOSED AMENDMENT

15 CSR 30-54.070 Not-for-Profit Securities. The commissioner is amending subsection (2)(B) and section (6).

PURPOSE: In reviewing requests for exemptions pursuant to section 409.2-201(7)(B) of the Missouri Securities Act of 2003, the Securities Division applies Guidelines for General Obligations Financing by Religious Denominations as promulgated by the North American Securities Administrators Association, Inc (NASAA). This amendment updates that policy to the most recent version promulgated by NASAA.

(2) The following statements of policy are hereby incorporated by reference:

(B) *[Guidelines for General Obligations Financing by Religious Denominations as adopted by NASAA on April 17, 1994] Church Extension Funds as amended by NASAA on April 18, 2004.*

(6) Filing Fee. Each request for exemption under section 409.2-201(7)(B), RSMo shall include a filing fee of one hundred dollars (\$100) as specified in Missouri regulation 15 CSR 30-50.030.

AUTHORITY: sections 409.2-201(7)(B) and 409.6-605, RSMo Supp. [2003] 2005. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed March 27, 2006.

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 or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Matt Kitzi, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. 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.