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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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SECRETARY OF STATE

ROBIN CARNAHAN

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

.

EDITORS

BARBARA MCDUGAL

JAMES MCCLURE

.

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

.

PUBLISHING STAFF

WILBUR HIGHBARGER

JACQUELINE D. WHITE

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IN THIS ISSUE:

EXECUTIVE ORDERS	571	Department of Natural Resources	
		Division of Energy	599
PROPOSED RULES		DISSOLUTIONS	600
Department of Agriculture		SOURCE GUIDES	
Animal Health	578	RULE CHANGES SINCE UPDATE	603
Department of Public Safety		EMERGENCY RULES IN EFFECT	609
Missouri Gaming Commission	579	EXECUTIVE ORDERS	610
Department of Social Services		REGISTER INDEX	613
Division of Medical Services	593		
ORDERS OF RULEMAKING			
Department of Elementary and Secondary Education			
Division of Administrative and Financial Services	595		
Division of School Improvement	595		
Department of Public Safety			
Missouri Gaming Commission	595		
Department of Revenue			
Director of Revenue	596		
Department of Social Services			
Division of Medical Services	597		
IN ADDITIONS			
Department of Transportation			
Missouri Highways and Transportation Commission	598		

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
February 1, 2007 February 15, 2007	March 1, 2007 March 15, 2007	March 31, 2007 March 31, 2007	April 30, 2007 April 30, 2007
March 1, 2007 March 15, 2007	April 2, 2007 April 16, 2007	April 30, 2007 April 30, 2007	May 30, 2007 May 30, 2007
April 2, 2007 April 16, 2007	May 1, 2007 May 15, 2007	May 31, 2007 May 31, 2007	June 30, 2007 June 30, 2007
May 1, 2007 May 15, 2007	June 1, 2007 June 15, 2007	June 30, 2007 June 30, 2007	July 30, 2007 July 30, 2007
June 1, 2007 June 15, 2007	July 2, 2007 July 16, 2007	July 31, 2007 July 31, 2007	August 30, 2007 August 30, 2007
July 2, 2007 July 16, 2007	August 1, 2007 August 15, 2007	August 31, 2007 August 31, 2007	September 30, 2007 September 30, 2007
August 1, 2007 August 15, 2007	September 4, 2007 September 17, 2007	September 30, 2007 September 30, 2007	October 30, 2007 October 30, 2007
September 4, 2007 September 17, 2007	October 1, 2007 October 15, 2007	October 31, 2007 October 31, 2007	November 30, 2007 November 30, 2007
October 1, 2007 October 15, 2007	November 1, 2007 November 15, 2007	November 30, 2007 November 30, 2007	December 30, 2007 December 30, 2007
November 1, 2007 November 15, 2007	December 3, 2007 December 17, 2007	December 31, 2007 December 31, 2007	January 30, 2008 January 30, 2008
December 3, 2007 December 17, 2007	January 2, 2008 January 16, 2008	January 30, 2008 January 30, 2008	February 29, 2008 February 29, 2008

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

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2006.

EXECUTIVE ORDER

07-09

WHEREAS, the taxpayers of Missouri deserve to know that their tax dollars are spent wisely and not on unnecessary expenses; and

WHEREAS, when I took office there were no records detailing how many vehicles were in the state-owned vehicle fleet; and

WHEREAS, since then I have organized the state-owned vehicle fleet and reduced the number of vehicles in the fleet to the current count of 2,136, a number that does not include those vehicles utilized by the Department of Transportation and Department of Conservation; and

WHEREAS, a great number of vehicles in the state-owned vehicle fleet have more than 150,000 miles and are in need of replacement for efficient, safe and cost effective operation; and

WHEREAS, the average maintenance costs per mile for the highest mileage vehicles have increased dramatically, making those vehicles less cost effective; and

WHEREAS, there is a continued need to protect the safety of employees, maintain an efficient fleet of vehicles, and reduce the cost of operating and maintaining the state's fleet of vehicles; and

WHEREAS, the Commissioner of Administration's authorization to purchase replacement vehicles when needed is necessary to reduce vehicle fleet costs and to ensure that state vehicles are safe and efficient; and

WHEREAS, in situations where a state vehicle is unavailable for a state employee to utilize for work-related purposes, the agency currently must make use of higher cost options such as rental vehicles or employee mileage reimbursement at nearly twice the cost of using a state-owned vehicle; and

WHEREAS, the Commissioner of Administration issued a State Vehicular Travel Policy (SP-12) requiring state employees to utilize the lowest cost travel option for in-state ground transportation; and

WHEREAS, the state can continue to reduce costs associated with employee business travel by greatly reducing or eliminating altogether instances where employees must use their own vehicles or the agency must rent a vehicle.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order as follows:

The Commissioner of Administration shall explore ways to eliminate increased costs associated with state employees using their own vehicles for state business and state agencies renting vehicles for state employee use. The Commissioner of Administration shall have the authority to replace vehicles in the state vehicle fleet if this option provides cost savings for the taxpayers of the State of Missouri. Furthermore, no less than seventy percent of the replacement vehicles shall be flex fuel vehicles that can operate on fuel blended with 85% ethanol.

The Commissioner of Administration shall examine the existing state vehicle fleet to identify and replace those vehicles that are not cost effective due excessive mileage, advanced age and high maintenance costs.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23rd day of February, 2007.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
07-10**

WHEREAS, on March 10, 1986, Executive Order 86-06 established the Governor's Advisory Council on Physical Fitness and Health; and

WHEREAS, Executive Order 02-12 increased the membership of the Governor's Advisory Council on Physical Fitness and Health from sixteen to twenty-nine members; and

WHEREAS, greater awareness of the benefits of a healthy diet and exercise can be an effective strategy to improve the health of Missourians; and

WHEREAS, many public, community-based and private agencies and individuals have an interest and commitment to improved health; and

WHEREAS, the Department of Health and Senior Services' mission is to be the leader in promoting, protecting and partnering for health; and

WHEREAS, the work of the Governor's Advisory Council on Physical Fitness and Health would be enhanced by a move to the Department of Health and Senior Services where other state initiatives promoting physical fitness and health in Missouri are located; and

WHEREAS, transferring the Governor's Advisory Council on Physical Fitness and Health to the Department of Health and Senior Services would better serve Missouri's citizens by utilizing the expertise of Department of Health and Senior Services staff in the areas of health and physical fitness; and

WHEREAS, a reduction in the membership of the Governor's Advisory Council on Physical Fitness and Health would increase the efficiency of the Council.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby reorganize the Governor's Advisory Council on Physical Fitness and Health and reconstitute it as follows:

The Governor's Advisory Council on Physical Fitness and Health shall be located within the Department of Health and Senior Services.

Membership of the Governor's Advisory Council on Physical Fitness and Health shall consist of sixteen members, all of which shall be appointed after the effective date of this Executive Order.

The Governor shall appoint twelve members of the Governor's Advisory Council on Physical Fitness and Health. Three members of the Governor's Advisory Council on Physical Fitness and Health appointed by the Governor shall be appointed for a term expiring June 30, 2007, three members appointed by the Governor shall be appointed for a term expiring June 30, 2008, three members appointed by the Governor shall be appointed for a term expiring June 30, 2009, and three members appointed by the Governor shall be appointed for a term expiring June 30, 2010. At the expiration of these terms, each succeeding member appointed by the Governor shall be appointed for a term of four years.

The remaining four members of the Governor's Advisory Council on Physical Fitness and Health shall be selected from the Missouri General Assembly as follows: the President Pro Tem of the Senate shall appoint a member from the majority party and a member from the minority party, both of whom are to serve at the pleasure of the President Pro Tem of the Senate; the Speaker of the House of Representatives shall appoint a member from the majority party and a member from the minority party, both of whom are to serve at the pleasure of the Speaker of the House of Representatives.

The Governor may designate a Chairperson of the Governor's Advisory Council on Physical Fitness and Health. Other Officers of the Council shall be determined in the manner set forth in the Governor's Advisory Council on Physical Fitness and Health Bylaws.

The Executive Director of the Governor's Advisory Council on Physical Fitness and Health, as appointed by the Governor, shall serve as an ex officio member of the Council.

The Chairperson, in cooperation with the Executive Director, shall call meetings of the Governor's Advisory Council on Physical Fitness and Health at least quarterly.

The duties of the Governor's Advisory Council on Physical Fitness and Health shall include but are not limited to: 1) advising the Governor, the Director of the Department of Health and Senior Services and others on ways to enhance the physical fitness and health of all Missourians; 2) improving the health and level of physical fitness of all Missourians through the implementation of statewide programs; 3) improving the health and level of physical fitness of Missourians by fostering communication and cooperation between the health, fitness and sports communities and the general public; 4) improving the health and level of physical fitness of Missourians through creation of private and public sector support for health, physical fitness and sports programs and policy; 5) designating the host of the Show-Me STATE GAMES and serving on the Show-Me STATE GAMES Steering Committee, Finals Organizing Committee and any other committees formed to direct the Show-Me STATE GAMES.

The Governor's Advisory Council on Physical Fitness and Health may appoint a Committee of Advisors/Liaisons, whose duties shall be determined by the Governor's Advisory Council on Physical Fitness and Health Bylaws. The committee shall consist of:

Members from the following executive departments: one member from the Department of Health and Senior Services, one member from the Department of Mental Health, one member from the Department of Elementary and Secondary Education, one member from the Department of Social Service-Division of Medicaid and one member from the Office of Administration; and

Members from allied health and fitness professions, or other interested persons, who can provide a network between the Council and other associations.

The Department of Health and Senior Services shall provide staff assistance to the Governor's Advisory Council on Physical Fitness and Health. No member of the Council or its Committee of Advisors/Liaisons shall receive compensation for their services, but may be reimbursed for the actual and necessary expenses incurred in the performance of their duties.

The Governor's Advisory Council on Physical Fitness and Health shall report annually to the Governor and the Director of the Department of Health and Senior Services on its activities and on the results of its studies, and shall include any recommendations in said report.

This Executive Order supersedes all prior executive orders pertaining to the Governor's Advisory Council on Physical Fitness and Health.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 23rd day of February, 2007.



Matt Blunt
Governor

ATTEST:



Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
07-11**

WHEREAS, Section 105.454(5), RSMo, requires the Governor to designate those members of his staff who have supervisory authority over each department, division or agency of the state government.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby designate the following members of my staff as having supervisory authority over the following departments, divisions or agencies:

Office of Administration	Ed Martin
Department of Agriculture	Chuck Pryor
Department of Conservation	Ed Martin
Department of Corrections	Henry Herschel
Department of Economic Development	John Russell
Department of Elementary and Secondary Education	Bill Anderson
Department of Health and Senior Services	Jodi Stefanick
Department of Higher Education	Bill Anderson
Department of Insurance	Todd Smith
Department of Labor and Industrial Relations	Todd Smith
Department of Mental Health	Jodi Stefanick
Department of Natural Resources	Chuck Pryor
Department of Public Safety	Henry Herschel
Department of Revenue	Ed Martin
Department of Social Services	Jodi Stefanick
Department of Transportation	Chuck Pryor
Missouri Housing Development Commission	Todd Smith
Boards Assigned to the Governor	Ed Martin
Unassigned Boards and Commissions	Ed Martin



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23rd day of February, 2007.

A handwritten signature in black ink that reads "Matt Blunt".

Matt Blunt
Governor

ATTEST:

A handwritten signature in black ink that reads "Robin Carnahan".

Robin Carnahan
Secretary of State

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

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

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

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

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

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

incorporated by reference and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, DC 20402-0001, phone: toll-free (866) 512-1800; DC area (202) 512-1800, email <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

(4) The standards used to inspect Missouri meat products, and enforce such standards, shall be those shown in Title 21, Chapter 21, the *United States Code* (U.S.C.), herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800; DC area (202) 512-1800, email <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

(5) The standards used to inspect Missouri poultry products, and enforce such standards, shall be those shown in Title 21, Chapter 10, the *United States Code* (U.S.C.), herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800; DC area (202) 512-1800, email <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

(6) The standard used for the humane slaughter and inspection of rabbits shall be those shown in Chapter 265, RSMo 2000, with the following exceptions:

(A) The slaughtering of rabbits conducted by the person who has raised those rabbits, the processing of those rabbits by that person and the transportation in commerce of the products of those rabbits by that person when done exclusively for use by that person, members of that person's household, that person's employees and that person's nonpaying guests;

(B) The custom slaughter of rabbits by any person when the rabbits' owner delivers them to such slaughterer for slaughter, processing and transportation in commerce of the rabbit products when those rabbit products are for the exclusive use of the owner, members of the owner's household, the owner's employees and the owner's nonpaying guests. Provided, however, that the custom slaughterer does not engage in the business of buying or selling any rabbit products capable of use as human food. Persons operating under this exemption must retain records reflecting the name and address of the owner and the date of slaughter. Records required by this part must be retained and available for inspection for one (1) calendar year;

(C) The slaughtering and processing of rabbit products by any rabbit producer when done on the producer's own premises with respect to sound and healthy rabbits raised on the producer's premises and the distribution of the rabbit products derived from such operations. In lieu of other labeling requirements, such rabbit products must be identified with the name and address of the rabbit producer; not be otherwise misbranded; and be sound, clean, and fit for human food when so distributed. Persons operating under this exemption must retain records reflecting the date of each sale, the name of the buyer for each sale and the number of rabbits sold at each sale. Records required by this part must be maintained and available for inspection for two (2) years from the date of sale; and

(D) The slaughtering of sound and healthy rabbits or the processing of rabbit products by any rabbit producer or other person for distribution by him or her solely and directly to household consumers, restaurants, hotels, and boarding houses for use in their own dining rooms, or in the preparation of meals for sales direct to consumers. In lieu of other labeling requirements, such rabbit products must be identified with the name and address of

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 10—Food Safety and Meat Inspection**

PROPOSED AMENDMENT

2 CSR 30-10.010 Inspection of Meat and Poultry. The acting director is amending section (2) and adding new sections (4), (5), (6) and (7).

PURPOSE: This amendment to section (2) incorporates changes made to Title 9, the Code of Federal Regulations and the addition of (4), (5), (6) and (7) incorporates the standards to inspect Missouri meat, poultry and rabbit products under the United States Code.

(2) The standards used to inspect Missouri meat and poultry slaughter and processing shall be those shown in Part 300 to end of Title 9, the *Code of Federal Regulations* (January [2006] 2007), herein

the processor; must not be otherwise misbranded; and must be sound, clean, and fit for human food when distributed by such processor. Persons operating under this exemption must retain records reflecting the date of each sale, the name of the buyer for each sale and the number of rabbits sold at each sale. Records required by this part must be maintained and available for inspection for two (2) years from the date of sale.

(E) The exemptions provided for in subsections (6)(C) and (6)(D) hereof shall not apply if the rabbit producer or other person:

1. Slaughters or processes the products of more than one thousand (1000) rabbits in a calendar year;
2. Slaughters rabbit products at a facility used by any other rabbit producers or persons for slaughtering rabbits or processing rabbit product; or
3. Engages in the business of buying or selling any rabbit or rabbit products other than as specified.

(F) Any person not qualifying for exemption of rabbits and rabbit products are subject to inspection and must follow state meat inspection requirements.

(7) The slaughtering of poultry under an exemption in 9 CFR 381.10 must be done within twenty-four (24) hours of the poultry's delivery to the slaughtering establishment. It is further provided that holding cages and cages provided by the establishment to its customers to transport the poultry to the establishment for slaughter must be cleaned and disinfected by the establishment after each use.

AUTHORITY: section 265.020, RSMo 2000. Original rule filed Sept. 14, 2000, effective March 30, 2001. Amended: Filed Nov. 10, 2004, effective May 30, 2005. Amended: Filed Feb. 6, 2006, effective Aug. 30, 2006. Amended: Filed March 1, 2007.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Harold Treese, D.V.M., Director of the Missouri Meat and Poultry Inspection Program, PO Box 630 Jefferson City, MO 65102, by facsimile at (573) 751-6919 or via e-mail at Harold.Treese@mda.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 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

PROPOSED AMENDMENT

11 CSR 45-1.090 Definitions. The commission is amending sections (2)–(7), (11), (16), (18) and (20).

PURPOSE: The purpose of the proposed amendment is to amend the definitions of casino games.

(2) Definitions beginning with B—

[(A) Baccarat—A card game played with a deck or multiple decks of cards dealt from a shoe. The highest game count possible is nine (9). The hand with the highest point

count wins;

(B) Big Six Wheel—A game played on a vertical rotating wheel where players can bet on which slot on the wheel the indicator (or clapper) will be pointing to when the wheel comes to rest (also known as “Wheel of Fortune”);]

[(C)](A) Bill changer—Means any mechanical, electrical, or other device, contrivance or machine designed for the purpose of dispensing an amount of tokens or credits equal to the amount of currency; and].

[(D) Blackjack—See “Twenty-One.”]

(3) Definitions beginning with C—

[(A) Caribbean Stud—A poker game played with a deck of fifty-two (52) cards dealt from a shoe in which the player receives five (5) cards and has a chance to double his/her bet prior to seeing all of the dealer's cards. Players are paid based upon the strength of his/her hand and the strength of the dealer's hand;]

[(B)](A) Casino surveillance room—A room on a riverboat used by authorized personnel of a Class A licensee to monitor and record gaming and other activities conducted within the riverboat gaming operation;

[(C)](B) Chief administrative officer—Means the president of a corporation, the managing partner of a partnership, the general partner(s) of a limited partnership, the individual of a sole proprietorship, the managing agent of a joint venture, or the managing agent of a limited liability company. For a consortium of financial participants where no formal chief administrative officer exists, chief administrative officer shall mean the chief administrative officer of the largest financial participant;

[(D)](C) Chip—A nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of a Class A license for use in gaming other than in electronic gaming devices on the license holder's riverboat;

[(E)](D) Commission—The Missouri Gaming Commission or its agents;

[(F)](E) Commission surveillance room—A room(s) on each riverboat for the exclusive use of the commission or commission agents for monitoring and recording of gaming and other activities;

[(G)](F) Continuously docked excursion—A continuously docked excursion boat shall set a schedule of excursion as required by the definition of excursion. This schedule shall designate a specific time for boarding. On each scheduled excursion, no new passengers shall board after the specified time for boarding has expired; and

[(H) Craps—A game in which dice are rolled to make different points or combinations; and]

[(I)](G) Critical program storage media—Any program storage media that contains software that may affect the integrity of gaming, including but not limited to game[,/] accounting, system, and peripheral firmware devices involved in or which significantly influence the operation and calculation of game play, game display, game result determination, game accounting, revenue, or security, and which must be verified utilizing an external third-party methodology approved by the commission and which may, as determined by the commission, have security seals attached thereto.

(4) Definitions beginning with D—

(D) Docksite commission offices—Offices at the dockside, approved by the commission, for the exclusive use of commission agents; and

[(E) Double Down Stud—A poker game played with a single deck of fifty-two (52) cards dealt from a shoe in which a player receives five (5) cards, one (1) being face down. The player may opt to double his/her initial bet prior to turning up his/her last card. The player is paid based on the strength of his/her five (5) cards; and]

[(F)](E) Drop bucket—That portion of gaming equipment inter-nally contained which serves as a repository for tokens.

(5) Definitions beginning with E—

(E) EPROM—**Literally means** *[E]erasable, programmable, read-only memory, but also applies to all main game program storage media on electronic games built after 2002;*

(6) Terms beginning with F—

[(A) Faro—A card game played with a single fifty-two (52) card deck dealt by drawing cards face up from an opened-framed box; and]

[(B)](A) FEIN—Federal Employer Identification Number.

(7) Terms beginning with G—

(B) Gaming equipment/supplies—A machine, mechanism, device or implement which affects the result of a game by determining win or loss including, without limitation, electronic, electrical or mechanical devices or machines, software, cards, dice and any representative of value used with any game including, without limitation, chips, tokens or electronic debit cards and related hardware and software; **and**

(C) Gaming operations manager—A person or business entity other than the holder of a Class A license who has the ultimate responsibility to manage, direct or administer the conducting of gaming; *and*].

[(D) Give-away—A game where patron entry to the game may be determined by attendance on a riverboat or by either accumulation of points/credits or the attainment of a certain outcome on an electronic gaming device.]

(11) Definitions beginning with K—

[(A) Keno—A game whereby the patron chooses from one to twenty (1–20) numbers from an eighty (80) number field. The patron may win based upon the amount of numbers s/he matches from the subsequent draw(s) of numbers by the casino;]

[(B)](A) Key person—Includes the following individuals or business entities:

1. An officer, director, trustee, proprietor, managing agent, or general manager of an applicant or licensee or of a business entity key person of an applicant or licensee;

2. A holder of any direct or indirect legal or beneficial publicly traded interest whose combined direct, indirect or attributed publicly traded interest is five percent (5%) or more in an applicant or licensee or in a business entity key person of an applicant or licensee;

3. A holder of any direct or indirect legal or beneficial privately held interest whose combined direct, indirect or attributed privately held interest is one percent (1%) or more in an applicant or licensee or in a business entity key person of an applicant or licensee;

4. A holder of any direct or indirect legal or beneficial interest in an applicant or licensee or in a business entity key person of an applicant or licensee if the interest was required to be issued under agreement with or authority of a government entity;

5. An owner of an excursion gambling boat; **and**

6. Any individual or business entity so designated by the commission or director; *and*].

[(C) Klondike—A solitaire card game played with a single fifty-two (52) card deck.]

(16) Definitions beginning with P—

[(A) Pai Gow Poker—A poker game played with a single deck of fifty-two (52) cards plus one (1) joker in which a player must assemble a two (2)-card hand and a five (5)-card hand from seven (7) cards dealt. The player is paid based upon the strength of both hands versus the dealer's two (2) hands;]

[(B)](A) Payout—Winnings earned on a wager;

[(C)](B) Person—Any individual, corporation, partnership, limited partnership, joint venture, limited liability corporation or unincorporated association;

[(D)](C) Petitioner—An applicant, licensee or excluded person who requests a hearing upon issuance of a Notice of Commission Action;

(D) Pit or pit area—An area that is completely enclosed or encircled by gaming tables and into which access is restricted to specific casino employees and officials whose job descriptions authorize them being within the enclosed area;

[(E) Poker—A card game played by a maximum of ten (10) players who are dealt cards by a nonplayer dealer. The object of the game is for each player to bet the superiority of his/her own hand and win the other players' bets by either making a bet no other player is willing to match, or proving to hold the most valuable cards after all the betting is over;]

Poker—Approved gambling games which are played in a poker room and use poker cards dealt by a nonplaying dealer in which a maximum of ten (10) players wager on the superiority of their individual hands against the hands of the other players.

(18) Definitions beginning with R—

[(A) Red Dog—A card game, utilizing only community cards, played with a deck or multiple decks of cards dealt from a shoe, whereby a player wagers as to whether or not the third card dealt will have a value which lies between the first two (2) cards that were previously dealt. The player is paid based upon the spread between the first two (2) cards dealt (also known as "Acey Deucey");]

[(B)](A) Regulatory and review agency—Any United States classification society or its agents recognized by the United States Secretary of Transportation under authority of 46 U.S.C. 3316(c)(1) to conduct inspections, make examinations of and issue certificates for vessels of the United States;]

[(C)](B) Relative—Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law, whether by whole or half blood, by marriage, adoption or natural relationship, and their dependents;

*[(D)](C) Riverboat gaming operation—The conducting of gaming and all related activities including, without limitation, the purveying of food, beverages, retail goods and services, and transportation, on a riverboat and at its support facilities; **and***

*[(E)](D) ROM—Read-only memory; *and*].*

[(F) Roulette Wheel—A game played on a horizontal rotating wheel where players can bet on which compartment a nonmetallic ball may come to rest.]

(20) Definitions beginning with T—

(B) Table game—A gambling game (other than poker played in a poker room) using playing cards, dice, wheels, balls, or other approved equipment in which the players wager against the house and the table used for the game is one of several gaming tables used to form a pit;

[(B)](C) Table win—The dollar amount won by the holder of a Class A license through play at a live game which is the total of the table drop plus ending chip inventory plus credits minus opening chip inventory minus fills;

[(C) Texas Hold'em—A poker game in which a player must beat all other players by assembling the strongest five (5)-card hand of the remaining players at the "call" from his/her individually dealt cards and the community cards available to all players;]

[(E) Three Card Poker—A card table game in which a player is dealt three (3) cards and may bet against the dealer depending on the perceived value of his/her hand compared to that of the dealer and/or play against an established pay table paying based on an analogy to stud poker;]

[(F)](E) Ticket of admission—A physical or electronic implement, approved by the commission, which records and verifies the admission of patrons onto an excursion gambling boat for the purpose of

accounting for the admission fee imposed by section 313.820, RSMo; and

[(G)](F) Token—A metal object or other representation of value that is authorized by statute and/or approved by the commission, which is redeemable for cash only at the issuing riverboat gaming operation, and issued and sold by a holder of a Class A license for use in electronic gaming devices; and

[(H) Twenty-One—Twenty-One (blackjack) is a card game played with a single deck or multiple decks of cards dealt from a shoe. The player attempts to beat the dealer by obtaining a total equal to or less than twenty-one (21), so that his/her total is higher than the dealer's.]

AUTHORITY: sections 313.004, 313.805 and 313.817, 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 Feb. 28, 2007.

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 May 22, 2007 at 10:00 a.m., 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 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.051 Minimum Standards for *[(Twenty-One (Blackjack))]*. The commission is amending the title, purpose and sections (2) and (3).

PURPOSE: The purpose of the proposed amendment is to amend the wording of twenty-one.

PURPOSE: This rule establishes a set of minimum standards for the game of [(Blackjack)].

(2) A person who, without the assistance of another person or without the use of a physical aid or device of any kind, uses the ability to keep track of the value of cards played in *[(Twenty-One (Blackjack))]* and uses predictions formed as a result of the tracking information in his/her playing and betting strategy shall not be considered to be cheating.

(3) A Class A licensee may implement any of the following options at a *[(Twenty-One (Blackjack))]* table provided that the casino licensee complies with the notice requirements contained in 11 CSR 45-5.060:

AUTHORITY: sections 313.004 and 313.805, RSMo [1994] 2000. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Feb. 28, 2007.

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 May 22, 2007 at 10:00 a.m., 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 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.183 Table Game and Poker Cards—Specifications.
The commission is amending the title and section (1).

PURPOSE: The purpose of the proposed amendment is to establish minimum standards for table game and poker card specifications.

(1) Unless otherwise approved by the commission, all cards used for gambling games must meet the following specifications:

(A) Cards used to play *[(blackjack, baccarat, pai gow poker, poker, caribbean stud poker, let it ride poker and double down stud) table games and poker]* shall be in **standard** decks of fifty-two (52) cards each with each card identical in size and shape to every other card in such deck~~].~~ **or as otherwise approved by the commission; [Notwithstanding the foregoing, decks of cards used to play pai gow poker shall include one (1) additional card, a joker, which shall be identical in size and shape to every other card in such deck;]**

(B) Each **standard** deck shall be composed of four (4) suits: diamonds, spades, clubs and hearts;

(G) Each deck of cards **for use in table games as defined in this section** shall be packaged separately through the use of *[(cello) cellophane or shrink wrap or other similar material as approved by the commission and such packaging shall have a tamper resistant destructive security seal and a tear band. [Notwithstanding this requirement,] Each deck of poker cards [used at poker may be] shall be packaged [and sealed in sets containing two (2) decks of cards] in sets of two (2) decks through the use of cellophane or shrink wrap or other similar material as approved by the commission and have a tamper resistant destructive security seal and a tear band;*

(H) Nothing in this section shall prohibit decks of cards with one (1) or more jokers contained therein; provided, however, such jokers shall *[not]* be used by the Class A licensee **only** in the play of any games *[other than pai gow poker]* **approved by the commission for that manner of play;**

(I) In addition to satisfying the requirements of this section, the cards used by a Class A licensee *[at poker]* **in any poker room game** must—

1. Be visually distinguishable from the cards used by that Class A licensee to play any [other] table games; and
2. Be made of plastic; and

[(J)] 3. Each [Class A licensee which elects to offer the game of poker shall be required to have and use on a daily basis at least] set of poker cards shall have two (2) decks with visually distinguishable card backings [for the cards to be used at the game of poker]. These card backings may be distinguished, without limitation, by different logos, different colors or different design patterns.

AUTHORITY: sections 313.004, 313.805, 313.830 and 313.845, RSMo 2000. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed July 3, 2000, effective Feb. 28, 2001. Amended: Filed May 29, 2002, effective Dec. 30, 2002. Amended: Filed Feb. 28, 2007.

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 May 22, 2007 at 10:00 a.m., 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 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.184 Table Game Cards—Receipt, Storage, Inspections, and Removal from Use. The commission is amending the title, purpose, sections (1)–(17) and adding new sections (5) and (6).

PURPOSE: The purpose of the proposed amendment is to amend the procedures for the handling of table game cards within the gambling operation. This amendment separates table game cards from poker cards.

PURPOSE: This rule establishes procedures for the handling of table game cards within the gaming operation.

(1) When decks of **table game** cards are received for use in the licensed facility from the licensed supplier, [they] **the cards** shall be placed for storage in [a locked cabinet in the cashiers' cage or within] a primary or secondary storage area by at least two (2) individuals, one (1) of whom shall be from the [casino] **table games** department and the other from the casino security department or casino accounting department. The [cabinet or] primary storage area shall be located in [the cashiers' cage or in another] a secure place, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas, **if needed**, shall be used for the storage of surplus cards. Cards maintained in secondary storage areas shall [not be distributed to gaming pits or tables for use in gaming until the cards have been moved to a primary storage area.] **be transferred to the primary card**

storage area before being distributed to the pits or tables. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission. [Nothing herein shall preclude a licensee from having a separate storage area for the cards to be used at the game of poker; provided, however, the location and physical characteristics of the separate storage area shall be approved by the commission.]

(2) All primary[,] **and** secondary [and poker] storage areas[, other than the cashiers' cage,] shall have two (2) separate locks. The casino security department shall maintain one (1) key and the [casino] **table games** department [or cashiers' cage] shall maintain the other key; provided, however, that no person employed by the [casino] **table games** department below the assistant shift manager in the organizational hierarchy shall have access to the casino department key for the primary and secondary storage areas. [and no person below the poker shift supervisor in the organizational hierarchy shall have access to the casino department key to the poker storage area. Cards stored in a cabinet within the cashiers' cage shall be secured by a lock, the key to which shall be maintained by an assistant shift manager or casino supervisor thereof.]

(3) Immediately prior to the commencement of each gaming day and at other times as may be necessary, the [assistant shift manager or casino supervisor thereof] **pit manager or the supervisor of the pit manager, in the presence of a casino security officer, or the poker room manager** shall remove the appropriate number of decks of cards **from the primary card storage area** for that gaming day [from a primary storage area, and if applicable, the poker shift supervisor or supervisor thereof shall remove the appropriate number of decks of cards to be used at poker for that gaming day from the poker storage area.] **for use at table games. This individual may also remove the appropriate number of decks of poker cards for that gaming day for the distribution to the poker room.**

(4) [If] **Once** removed from the primary storage area, the [assistant shift manager or casino supervisor thereof and the casino security officer who removed the decks shall distribute sufficient decks to the poker shift supervisor and to the pit boss who shall then] **person who removed the cards shall take the cards to the pit under security escort and** distribute the decks to the **floor supervisors for distribution to the dealer** at each table. [If removed from the poker storage area, the decks shall be removed by the poker shift supervisor, in the presence of the casino security officer, and transported to the poker pit stand. Subsequently, the poker shift supervisor shall distribute the decks to the dealer at each poker table either directly or through the floorperson assigned to supervise the dealer.

(A) **The poker shift supervisor or pit boss shall place extra decks for card reserve into the pit stand.**

(B) **Prior to distributing the decks to each table, the poker shift supervisor or floorperson shall examine each package to determine if any replacement cards are necessary pursuant to subsection (14)(E) below. If needed, the poker shift supervisor or floorperson shall place the appropriate replacement cards into the deck from the cards held in reserve at the pit stand. Upon insertion of the replacement cards into the deck, the poker shift supervisor or floorperson shall reexamine the front of each card and the back of each card to ensure a consistent shading pattern and to ensure that the condition of the deck with the inclusion of the replacement cards has sufficient quality in order to maintain the integrity of gaming at poker. If the integrity of gaming at poker would in any way be compromised by the use of the**

deck with the replacement cards, the entire deck of cards shall be placed in a sealed envelope or container, identified with the date and time and shall be signed by the poker shift supervisor. The poker shift supervisor shall maintain the envelope or container in a secure place within the pit stand until collection by a casino security officer.

(C) Cards in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the poker shift supervisor or supervisor thereof or the pit boss or casino supervisor thereof.]

(5) The pit manager shall place extra decks into a single locked compartment of a pit stand. The floor supervisor or above shall have access to the extra decks of cards to be used for that gaming day.

(6) If the cards are kept overnight the cards shall be kept in a separate, single locked storage unit that is within a pit area that is completely enclosed or encircled by gaming tables. This storage compartment may be used to store cards for future play within that enclosed or encircled area for up to one (1) week if only the pit manager has access to the compartment in which the cards are stored, there is continuous, dedicated surveillance coverage of the storage compartment and surrounding area, and the pit manager maintains a log current at all times inside the card storage compartment that reflects the current number and color of decks in the compartment, and any discrepancies are immediately reported to the commission agent on duty. Cards will not be moved outside of the enclosed or encircled pit area without a security escort and notification to surveillance.

[(5)](7) [All] Prior to being placed into play, all decks shall be inspected by the dealer, and the inspection verified by a [floorperson] floor supervisor. Card inspection at the gaming table shall require each pack to be used to be sorted into sequence and into suit to [assure] ensure that all cards are in the deck. The dealer shall also check the back of each card to [assure] ensure that it is not flawed, scratched or marked in any way.

(A) If, after checking the cards, the dealer finds that a card is unsuitable for use, a [poker shift supervisor or casino supervisor] pit manager shall bring a [substitute] replacement card from the [card reserve in the pit stand] replacement deck or replace the entire deck.

(B) [The] An unsuitable card shall be placed in a transparent sealed envelope or container, identified by table number, date, and time and shall be signed by the dealer and [floorperson] floor supervisor assigned to that table. The [poker shift supervisor or casino supervisor] pit manager shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer.

[(6)](8) All envelopes and containers used to hold or transport cards collected by security shall be transparent.

(A) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(B) The envelopes or containers and seals shall be approved by the commission.

[(7)](9) Any cards which have been opened and placed on a gaming table shall be changed at least once every twenty-four (24) hours. In addition—

(A) Cards opened for use [on a baccarat table shall be changed at least once during the gaming day] on a traditional “full” baccarat table shall be changed upon the completion of each shoe;

(B) Cards opened for use on [a pai gow poker table, caribbean stud poker or let it ride poker table] any table game and dealt from a dealing shoe with minimal player contact e.g., peeking at

or turning over cards, shall be changed at least every eight (8) hours; and

(C) Cards opened for use on [a pai gow poker table, caribbean stud poker or let it ride poker table] any table game and dealt from the dealer’s hand or held by players shall be changed at least every four (4) hours[; and].

[(D) Cards opened for use on a poker table shall be changed at least every four (4) hours.]

[(8)](10) Cards damaged during course of play shall be replaced by the dealer who shall request a [floorperson or supervisor thereof for the game of poker or casino supervisor for all other games] floor supervisor to bring replacement cards [in substitution] from the pit stand.

(A) The damaged cards shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by the dealer and the [individual] floor supervisor who brought the replacement card to the table.

(B) The [poker shift supervisor or casino supervisor] floor supervisor shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

[(9)](11) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at such other times as may be necessary, the [floorperson or supervisor thereof for the game of poker or casino supervisor for all other games] floor supervisor or pit manager shall collect all used cards from tables being supervised.

(A) These cards shall be counted down and placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and [floorperson] floor supervisor assigned to the table.

(B) The [poker shift supervisor or casino supervisor] floor supervisor or pit manager shall maintain the envelopes or containers in a secure place within the pit until [collection] collected by a casino security officer.

[(10)](12) The licensee shall remove any cards [at] from use any time [during the day if] there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the commission.

[(11)](13) All extra decks [in card reserve] with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and [is] be signed by the [floorperson or supervisor thereof for poker and the pit boss for all other games] floor supervisor and the pit manager.

[(12)](14) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee in the internal controls and approved by the commission, and at such other times as may be necessary, a casino security officer shall collect and sign all envelopes or containers with damaged cards, cards used during the gaming day, and all [extra decks in card reserve] other decks with broken seals and shall return the envelopes or containers to the casino security department.

[(13)](15) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee in the internal controls and approved by the commission, and at such other times as may be necessary, [an assistant shift manager or casino supervisor thereof] a pit manager may collect all extra decks [in card reserve]. If the licensee maintains a separate storage area for poker cards, a poker shift supervisor or supervisor thereof may collect all extra decks in card

reserve for the game of poker] of cards. If collected, all sealed decks shall either be cancelled or destroyed or returned to *[the]* an approved storage area.

[(14)](16) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected **within forty-eight (48) hours by a member of the security department who has been trained in proper card inspection procedures. The cards will be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.**

(A) *[For cards used in blackjack, or baccarat, the licensee shall cause to be inspected either—*

1. *All decks used during the day; or*
2. *A sample of decks selected at random or in accordance with an approved stratification plan provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved by the commission.] All cards used in table games in which the player touches the cards will be inspected;*

(B) **In other table games if less than three hundred (300) decks are used that gaming day, at least ten percent (10%) of those decks will be selected at random to be inspected. If three hundred (300) or more decks are used that gaming day at least five percent (5%) of those decks but no fewer than thirty (30) decks will be selected at random to be inspected;**

[(B)](C) The licensee shall also inspect—

1. Any cards which the commission requests the licensee to remove for the purpose of inspection; **and**
2. Any cards the licensee removed for indication of tampering[;]
[3. All cards used for pai gow poker, caribbean stud poker or let it ride poker; and
4. *All cards used for poker].*

[(C)](D) The procedures for inspecting all decks required to be inspected under this subsection, shall, at a minimum, include:

1. The sorting of cards sequentially by suit;
2. The inspection of the backs **of the cards** with an ultraviolet light; **and**
3. The inspection of the sides of the cards for crimps, bends, cuts and shaving[; and].

4. *The inspection of the front and back of all plastic cards for consistent shading and coloring.*

(D) *If, during the inspection procedures required in subsection (14)(C) above, one (1) or more plastic cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a three (3)-part Card Discrepancy Report shall be completed in accordance with subsection (14)(I) below.*

(E) *Upon completion of the inspection procedures required in subsection (14)(C) above, each deck of plastic cards which is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the primary or poker storage area for subsequent use. If a deck has any missing cards pursuant to subsection (14)(D) above, the individual who repackages the cards shall indicate the need for the appropriate replacement card(s) in a manner approved by the commission.*

(F) *The licensee shall develop internal control procedures for returning the repackaged cards to the storage area.]*

[(G)](E) The individuals performing said inspection shall complete a work order form which shall detail the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

[(H)](F) The licensee shall submit the training procedures for those employees performing the inspection, which shall be approved by the commission.

[(I)](G) Evidence of tampering, marks, alterations, missing or

additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be immediately reported to the commission by the completion and delivery of a Card Discrepancy Report.

1. The report shall accompany the cards when delivered to the commission.

2. The cards shall be retained for further inspection by the commission.

3. The commission *[inspector]* agent receiving the cards shall sign the Card Discrepancy Report and retain the original at the commission office.

[(15)](17) The licensee shall submit to the commission for approval procedures for—

(A) A card inventory system which shall include, at a minimum, *[the recordation]* **documentation** of the following:

1. The balance of cards on hand;
2. The cards removed from storage;
3. The cards returned to storage or received from the manufacturer;
4. The date of the transaction; and
5. The signatures of the individuals involved;

(B) A *[reconciliation]* **verification** on a daily basis of the **numbers of** cards distributed, the cards destroyed and cancelled, the cards returned to the storage area and, if any, the cards *[in card reserve]* **left in the pit podium**; and

(C) A physical inventory of the cards at least once every three (3) months.

1. This inventory shall be performed by *[an individual with no incompatible functions and]* **an employee from compliance or a supervisory Level II licensee from the cage, slot, or accounting department** shall be verified to the balance of cards on hand required in paragraph *[(15)](17)(A)1.* above.

2. Any discrepancies shall immediately be reported to the commission.

[(16)](18) Where cards in an envelope or container are inspected and found to be without any indication of tampering marks, alterations, missing or additional cards or anything that might indicate unfair play, those cards *[with the exception of plastic cards used at poker which are of sufficient quality for reuse,]* shall be destroyed or canceled. Once released by the commission, the cards submitted as evidence shall immediately be destroyed or canceled.

(A) Destruction of cards shall be by shredding **or other method approved by the commission.**

(B) Cancellation of cards shall be by drilling a circular hole of at least one-fourth of an inch (1/4") in diameter through the center of each card in the deck or by cutting **at least one-fourth of an inch (1/4") off** one (1) corner from each card in the deck **or other method approved by the commission.**

(C) The destruction and cancellation of cards shall take place in a secure place, the location and physical characteristics of which shall be approved by the commission, **and shall be performed by a member of the casino security department specifically trained in proper procedures.**

[(17)] *If a deck of plastic cards has been reused twelve (12) or more times and the deck has been determined to be suitable for reuse by the individual performing the inspection procedures required by subsection (15)(C) above, before that deck may be reused at a poker table, the deck must be inspected by a poker shift supervisor or floorperson. A satisfactory inspection shall be documented by the poker shift supervisor or floorperson. If the poker shift supervisor or floorperson determines that the deck may not be reused, the deck shall be placed in a sealed envelope or container, with a label attached which identifies the date and time and shall*

be signed by the poker shift supervisor or floorperson. At the end of the gaming day or at such other times as may be necessary, said envelope or container shall be collected by a casino security officer and be returned to the casino security department for destruction or cancellation pursuant to section (16) above.]

AUTHORITY: sections 313.004, 313.805 and 313.830, [RSMo 1994] and 313.845, RSMo [Supp. 1996] 2000. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 28, 2007.

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 May 22, 2007 at 10:00 a.m., 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 5—Conduct of Gaming**

PROPOSED RULE

11 CSR 45-5.185 Poker Cards—Receipt, Storage, Inspections, and Removal from Use

PURPOSE: This rule establishes procedures for the handling of poker cards within the gaming operation.

(1) Only plastic cards that have been approved by the commission shall be used for poker.

(2) When decks of poker cards are received for use in the licensed facility from the licensed supplier, the poker cards shall be placed for storage in the primary or secondary storage area by at least two (2) individuals, one (1) of whom shall be from the table games department and the other from the casino security department or casino accounting department. The primary storage area shall be located in a secure place, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas, if needed, shall be used for the storage of surplus poker cards. Cards maintained in secondary storage areas shall be transferred to the primary poker card storage area before being distributed for use in the poker room. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission.

(3) All primary and secondary storage areas shall have two (2) separate locks. The casino security department shall maintain one (1) key and the table games department shall maintain the other key; provided, however, that no person employed by the table games department below the poker room manager or pit manager in the organizational hierarchy shall have access to the table games department key for the poker card storage area.

(4) Immediately prior to the commencement of each gaming day and at other times as may be necessary, the poker room manager, the supervisor of the poker room manager or a pit manager, in the presence of a casino security officer, shall remove the appropriate number of decks of poker cards for that gaming day from the primary card storage area. This individual may also remove the appropriate number of decks of table game cards and dice for that gaming day for distribution to table games.

(5) Once removed from the primary storage area, the person who removed the poker cards shall take the poker cards to the poker room under security escort and distribute the poker cards to the poker room supervisor or place extra poker decks into a single locked compartment of the poker podium. The poker room supervisor or above shall have access to the extra decks of poker cards to be used for that gaming day. The poker room supervisor or above shall distribute the poker decks to the dealer at each poker table.

(6) The poker room supervisor shall place extra decks for replacement decks into a separate, single locked storage compartment in the poker room. This storage compartment may be used to store poker cards for future play within the poker room for up to one (1) week if only the poker room supervisor has access to the compartment, there is continuous, dedicated surveillance coverage of the compartment and surrounding area, and the poker room supervisor maintains an approved log current at all times inside the compartment that reflects the current number/color of decks in the compartment, and any discrepancies are immediately reported to the commission agent on duty. Poker cards will not be moved outside the poker room without a security escort and notification to surveillance.

(7) All decks shall be inspected by the dealer. The inspection of new poker cards which are being put into play for the first time shall be verified by the poker room supervisor. Card inspection at the gaming table shall require each pack to be used to be sorted into sequence and into suit to ensure that all cards are in the deck. The dealer shall also check the back of each card to ensure that it is not flawed, scratched or marked in any way.

(A) If, after checking the cards, the dealer finds that a card is unsuitable for use, a poker room supervisor shall bring a substitute card from the replacement deck in the pit stand.

(B) The unsuitable card shall be placed in a sealed envelope or container, identified by table number, date, and time and shall be signed by the dealer and poker room supervisor assigned to that table. The poker room supervisor shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer.

(8) All envelopes and containers used to hold or transport poker cards collected by security shall be transparent.

(A) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(B) The envelopes or containers and seals shall be approved by the commission.

(9) Any set of poker cards which has been opened and placed on a poker table shall be changed at least every six (6) hours and replaced by a set of poker cards which have their seals intact or have been previously inspected and repackaged in a sealed, tamper resistant envelope or box.

(10) Cards damaged during course of play shall be replaced by the dealer who shall request the poker room supervisor to bring the necessary cards from the replacement deck.

(A) The damaged card(s) shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by the dealer and the poker room supervisor who brought the replacement

card(s) to the table.

(B) The poker room supervisor shall maintain the envelopes or containers in a secure place within the poker room until collection by a casino security officer.

(11) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at such other times as may be necessary, the poker room supervisor shall collect all used cards.

(A) These cards shall be placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and poker room supervisor assigned to the table.

(B) The poker room supervisor shall maintain the envelopes or containers in a secure place within the poker room until collected by a casino security officer.

(12) The licensee shall remove any poker cards at any time there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the commission.

(13) All extra decks with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the poker room supervisor or poker room manager.

(14) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee in the internal controls and approved by the commission, and at such other times as may be necessary, a casino security officer shall collect and sign all envelopes or containers with damaged poker cards, and cards used during the gaming day.

(15) Each poker room shall identify and maintain in the poker room podium a specified number of replacement decks for replacing unsuitable card(s). The poker room supervisor or above shall have access to the replacement decks that are kept in a single locked compartment. The poker room supervisor or above shall keep a record of all cards removed from the replacement decks. The record shall include time, date, color, value, suit, reason for replacement, and the name of the individual who replaced the card(s). The replacement deck(s) shall be reconciled to the record at least weekly. Once a replacement deck has been depleted to the point it is no longer useful the remaining cards in the replacement deck shall be picked up by security and destroyed or canceled.

(16) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee in the internal controls and approved by the commission, and at such other times as may be necessary, the poker room manager may collect all extra decks of cards. If the licensee maintains a separate storage area for poker cards, the poker room manager may collect all extra decks for the game of poker. If collected, all sealed decks shall be returned to the appropriate poker card storage area.

(17) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected within forty-eight (48) hours by a member of the security department trained to identify tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.

(A) The licensee shall inspect—

1. Any cards which the commission requests the licensee to remove for the purpose of inspection;
2. Any cards the licensee removed for indication of tampering; and

3. All cards used for poker.

(B) The procedures for inspecting all decks required to be inspected under this subsection, shall, at a minimum, include:

1. The sorting of cards sequentially by suit;
2. The inspection of the backs with an ultraviolet light;
3. The inspection of the sides of the cards for crimps, bends, cuts and shaving; and
4. The inspection of the front and back of all poker cards for consistent shading and coloring.

(C) If, during the inspection procedures required in subsection (17)(B) above, one (1) or more poker cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a three (3)-part Card Discrepancy Report shall be completed in accordance with subsection (17)(H) below.

(D) Upon completion of the inspection procedures required in subsection (17)(B) above, each deck of poker cards which is determined suitable for continued use shall be placed in sequential order and repackaged in a sealed tamper resistant envelope or box and returned to the primary or poker card storage area for subsequent use. If a deck has any missing cards pursuant to subsection (17)(C) above, the individual who repackages the cards shall indicate the need for the appropriate replacement card(s) in a manner approved by the commission.

(E) The licensee shall develop internal control procedures for returning the repackaged cards to the storage area.

(F) The individuals performing said inspection shall complete a work order form which shall detail the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(G) The licensee shall submit the training curriculum and duration for those employees performing the card inspection, which shall be approved by the commission.

(H) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be immediately reported to the commission by the completion and delivery of a Card Discrepancy Report.

1. The report shall accompany the cards when delivered to the commission.

2. The cards shall be retained for further inspection by the commission.

3. The commission agent receiving the cards shall sign the Card Discrepancy Report and retain the original at the commission office.

(18) The licensee shall submit to the commission for approval procedures for—

(A) A card inventory system which shall include, at a minimum, the recordation of the following:

1. The balance of cards on hand;
2. The cards removed from storage;
3. The cards returned to storage or received from the manufacturer;
4. The date of the transaction; and
5. The signatures of the individuals involved;

(B) A reconciliation on a daily basis of the cards distributed, the cards destroyed and cancelled, the cards returned to the storage area and, if any, the cards in the poker podium; and

(C) A physical inventory of the cards at least once every three (3) months.

1. This inventory shall be performed by a supervisory Level II licensee from the cage, slot, compliance or accounting department and shall be verified to the balance of cards on hand required in paragraph (18)(A)1. above.

2. Any discrepancies shall immediately be reported to the commission.

(19) Destruction of poker cards shall be by shredding or other method approved by the commission.

(A) Cancellation of cards shall be by drilling a circular hole of at least one-fourth of an inch (1/4") in diameter through the center of each card in the deck or by cutting at least one-fourth of an inch (1/4") off one (1) corner from each card in the deck or other method approved by the commission.

(B) The destruction and cancellation of poker cards shall take place in a secure place, the location and physical characteristics of which shall be approved by the commission, and shall be done by a member of the casino security department specifically trained in proper procedures.

(20) If a deck of poker cards has been reused twelve (12) or more times and the deck has been determined to be suitable for reuse by the security officer performing the inspection procedures required by subsection (17)(B) above, the deck must be inspected by the poker room manager or poker room supervisor before that deck may be reused at a poker table. A satisfactory inspection shall be documented by the poker room manager or poker room supervisor. If the person performing the inspection determines that the deck may not be reused, the deck shall be placed in a sealed envelope or container, with a label attached which identifies the date and time and shall be signed by the poker room manager or poker room supervisor. At the end of the gaming day or at such other times as may be necessary, said envelope or container shall be collected by a casino security officer and be returned to the casino security department for destruction or cancellation pursuant to section (19) above.

AUTHORITY: section 313.805, RSMo 2000. Original rule filed Feb. 28, 2007.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule 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 May 22, 2007 at 10:00 a.m., 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 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.265 Dice—Receipt, Storage, Inspections and Removal from Use. The commission is amending the purpose, sections (1)–(3), deleting sections (4) and (5) and adding a new section (4) and renumbering and amending old sections (6)–(13).

PURPOSE: The purpose of the proposed amendment is to amend the procedures for the handling of dice within the gambling operation other than dice use in pai gow poker.

PURPOSE: The purpose of this rule is to establish procedures for the handling of dice within the gambling operation other than dice used in pai gow poker.

(1) When dice for use in the riverboat gaming operation are received from the licensed supplier, *[they] the dice* shall, immediately following receipt, be inspected by a member of the casino security department or casino accounting department and a *[casino] table games department* supervisor to *[assure that] ensure* the seals on each box are intact, unbroken and free from tampering. Boxes that do not satisfy these criteria shall be inspected at *[this] that* time to *[assure that] ensure* the dice conform to commission standards and are completely in a condition to *[assure] ensure* fair play. Boxes satisfying these criteria, together with boxes having unbroken, intact and untampered seals shall then be placed for storage in a locked cabinet in the cashiers' cage or within a primary or secondary storage area. Dice which are to be distributed to gaming pits or tables for use in gaming shall be distributed from a locked cabinet in the cashiers' cage or from another secure primary storage area, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas shall be used for the storage of surplus dice. Dice maintained in secondary storage areas shall not be distributed to gaming pits or tables *[for use in gaming]* until the dice have **first** been moved to a primary storage area. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission.

(2) All primary and secondary storage areas, other than **those in** the cashiers' cage, shall have two (2) separate locks. The casino security department shall maintain one (1) key and the *[casino] table games* department or cashiers' cage shall maintain the other key; provided, however, that no person employed by the *[casino] table games* department below *[the assistant shift manager] a pit manager* in the organization hierarchy shall have access to the *[casino] table games* department key. Dice stored in a cabinet within the cashiers' cage shall be secured by a lock, the key to which shall be maintained by *[an assistant shift manager or casino supervisor thereof] a pit manager or the supervisor of the pit manager*.

(3) Immediately prior to the commencement of each gaming day and at such other times as may be necessary, the *[assistant shift manager or casino supervisor thereof] pit manager or the supervisor of the pit manager or the poker room manager*, in the presence of a casino security officer, shall remove the appropriate number of dice for that gaming day from a primary storage area **for use at table games. This individual may also remove the appropriate number of decks of poker cards and table game cards for that gaming day for the distribution to the pits and the poker room.**

[(4) All envelopes and containers used to hold or transport preinspected dice to the casino floor or casino simulcasting facility and those collected by security at the end of each shift or gaming day shall be transparent.

(A) The envelopes or containers and the method used to seal them the dice shall be designed or constructed so that any tampering shall be evident.

(B) The envelopes or containers and seals shall be approved by the commission.

(5) All dice shall be inspected and distributed to the gaming tables in accordance with one (1) of the following applicable alternatives:

(A) Alternative No. 1. Distribution to and inspection at craps tables—

1. The assistant shift manager or casino supervisor thereof and the casino security officer who removed the dice from the primary storage area shall distribute sufficient dice directly to the craps supervisor in each craps pit or place

them in a locked compartment in the pit stand, keys to which shall be in the possession of the pit boss or a casino supervisor thereof;

2. At the time of receipt, a boxperson at each craps table, in order to ensure that the dice are in a condition to assure fair play and otherwise conform to sections 313.800 to 313.850, RSMo and the rules of the commission, shall, in the presence of the dealer, inspect the dice given to him/her with a micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet, which instruments shall be kept in a compartment at each craps table or pit stand and shall be at all times readily available for use by the commission upon request; and

3. Following this inspection—

A. The boxperson shall in the presence of the dealer place the dice in a cup on the table for use in gaming, and while the dice are at the table, they shall never be left unattended; and

B. The pit boss shall place extra dice for dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the pit boss or a casino supervisor thereof. No dice taken from the reserve shall be used for actual gaming until and unless inspected in accordance with paragraph (5)(A)2. above.

(B) Alternative No. 2. Distribution to and inspection at the pit stand—

1. The assistant shift manager or casino supervisor thereof and the casino security officer who removed the dice from the primary storage area shall distribute the dice directly to the casino supervisor identified in paragraph (5)(B)2. below who will perform the inspection in each pit;

2. The inspection of dice at the pit stand shall be performed by a craps supervisor in the presence of another craps supervisor, neither of whom shall be a pit boss or a casino supervisor thereof;

3. To ensure that the dice are in a condition to assure fair play and otherwise conform to sections 313.800 to 313.850, RSMo and the rules of the commission, the dice shall be inspected with a micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet, which instruments shall be kept at the pit stand and shall be at all times readily available for use by the commission upon request. The inspection shall be performed on a flat surface which allows the dice inspection to be observed through closed circuit television cameras and by any persons in the immediate vicinity of the pit stand;

4. After completion of the inspection, the dice shall be distributed as follows. The craps supervisor who inspected the dice shall, in the presence of the other casino supervisor who observed the inspection, distribute such dice to the boxperson at each craps table. The boxperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming and while the dice are at the table they shall never be left unattended; and

5. The pit boss shall place extra sets of dice for dice reserve in the pit stand, as follows:

A. Dice in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the pit boss or a casino supervisor thereof; and

B. All dice taken from the reserve shall be reinspected by a casino supervisor in the presence of another casino supervisor in accordance with the inspection procedures set forth in paragraphs (5)(B)2. and 3. above, prior to their use for actual gaming; provided, however, that if previously inspected reserve dice are maintained in a locked compart-

ment under dual key control as approved by the commission, the reserve dice may be used for gaming without being reinspected; or

(C) Alternative No. 3. Inspection in primary storage area and distribution to tables—

1. Inspection of dice in an approved primary storage area shall be performed by a craps supervisor, in the presence of an assistant shift manager or casino supervisor thereof, and a casino security officer;

2. The dice shall be inspected with a micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet to ensure that the dice are in a condition to assure fair play and otherwise conform to sections 313.800 to 313.850, RSMo and the rules of the commission. These instruments shall be maintained in the storage area and shall be at all times readily available for use by the commission upon request;

3. After completion of the inspection, the person performing the inspection shall seal the dice as follows. After each set of at least five (5) dice are inspected, they shall be placed in a sealed envelope or container; provided, however, that reserve dice may be placed in individual sealed envelopes or containers. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container;

4. At the beginning of each gaming day and at such other times as may be necessary, an assistant shift manager or casino supervisor thereof and a casino security officer shall distribute the dice as follows. The sealed envelopes or containers of dice shall be distributed to a pit boss in each craps pit or placed in a locked compartment in the pit stand by the pit boss. When the sealed dice are distributed to the craps table, a box person, at each craps table, after assuring the seals are intact and free from tampering, shall open the sealed envelope or container, in the presence of the dealer, and place the dice in a cup on the table for use in gaming. While dice are on the table, they shall never be left unattended;

5. When the envelope or container or the seal is damaged, broken or shows indication of tampering, the dice shall not be used for gaming activity unless the dice are reinspected in accordance with the procedures in subsection (5)(A) or (5)(B) above;

6. The pit boss shall place extra sets of dice for dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the pit boss or casino supervisor thereof;

7. A micrometer or any other approved instrument which performs the same function, a balancing caliper, a steel set square and a magnet shall also be maintained in a locked compartment in each pit stand, and each such instrument shall be at all times readily available for use by the commission upon request; and

8. Any primary storage area in which dice are inspected in accordance with this alternative, shall be equipped with closed circuit television camera coverage capable of observing the entire inspection procedure.]

(4) Once removed from the primary storage area the person who removed the dice shall take the dice to the pit under security escort and shall then distribute the dice to the floor supervisor or directly to the boxperson.

[(6)](5) The casino licensee shall remove any dice [at] from use any time [of the gaming day if] there is any indication of tampering, flaws or other defects that might affect the integrity or fairness of the game, or at the request of the commission.

[(7)](6) At the end of each gaming day or at such other times as may be necessary, [the casino supervisor identified in subsection (7)(A) below] a floor supervisor, other than the person who originally inspected the dice shall visually inspect each die for evidence of tampering. Such evidence discovered at this time or at any other time shall be immediately reported to the commission by the completion and delivery of an approved Dice Discrepancy Report.

[(A)] The inspection required by this subsection shall be performed by a craps supervisor other than the one who originally inspected the dice.]

[(B)](A) Any [dice] die showing evidence of tampering shall be placed in a sealed envelope or container.

1. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the boxperson and [casino] floor supervisor.

2. [A casino supervisor] The pit manager or casino security officer responsible for delivering the dice to the commission agent [located] at the gaming facility [and] shall also sign the label.

3. The commission agent receiving the [dice] die shall sign the original, duplicate and triplicate copy of the Dice Discrepancy Report and retain the original at the commission office. The duplicate copy shall be delivered to the deputy director for enforcement and the triplicate copy shall be returned to the pit and maintained in a secure place within the pit until collection by a casino security officer.

[(C)](B) All other dice shall be put into envelopes or containers at [this time] the end of each gaming day.

1. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the [appropriate persons identified in paragraph (7)(B)1. above] box person and floor supervisor.

2. The envelope or container shall be appropriately sealed and maintained in a secure place within the pit until collection by a casino security officer.

[(8)](7) All extra dice in dice reserve that are to be destroyed or cancelled shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the pit [boss] manager.

[(9)](8) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the casino licensee and approved by the commission, and at such other times as may be necessary, a casino security officer shall collect and sign all envelopes or containers of used dice and any dice in dice reserve that are to be destroyed or cancelled and shall transport them to the casino security department for cancellation or destruction. The casino security officer shall also collect all triplicate copies of Dice Discrepancy Reports, if any. No dice that have been placed in a cup for use in gaming shall remain on a table for more than twenty-four (24) hours.

[(10)](9) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the casino licensee and approved by the commission, and at such other times as may be necessary, [an assistant shift manager or casino supervisor thereof] a pit manager or supervisor of the pit manager may collect all extra dice in dice reserve.

(A) If collected, dice shall be returned to the primary storage area; provided, however, that any dice which have not been inspected and sealed pursuant to the requirements in subsection (5)(C) (Alternative No. 3) above shall, prior to use for actual gaming, be inspected in accordance with the requirements in subsection (5)(A) or (5)(B) above].

(B) If not collected, all dice in dice reserve must be reinspected [in accordance with one (1) of the alternatives listed in section (5) above, prior to their use for gaming, except for those dice maintained in a locked compartment pursuant to sub-

paragraph (5)(B)5.B. or paragraph (5)(C)6. above] prior to use for gaming.

[(11)](10) The casino licensee shall submit to the commission for approval procedures for—

(A) A dice inventory system which shall include, at a minimum, the recordation of the following:

1. The balance of dice on hand;
2. The dice removed from storage;
3. The dice returned to storage or received from the manufacturer;
4. The date of the transaction; and
5. The signatures of the individuals involved.

(B) A reconciliation on a daily basis of the dice distributed, the dice destroyed and cancelled, the dice returned to the primary storage area and, if any, the dice in dice reserve; and

(C) A physical inventory of the dice at least once every three (3) months.

1. This inventory shall be performed by [an individual with no incompatible functions] a supervisory Level II licensee from the cage, slot, or accounting department and shall be verified to the balance of dice on hand required in paragraph [(11)](10)(A)1. above.

2. Any discrepancies shall immediately be reported to the commission.

[(12)](11) Destruction and/or Cancellation.

(A) Cancellation shall occur by drilling a circular hole of at least three-sixteenths of one inch (3/16") in diameter through the center of each [dice] die or other method approved by the commission.

(B) Destruction shall occur by shredding or other method approved by the commission.

(C) The destruction and cancellation of dice shall take place in a secure place, the location and physical characteristics of which shall be approved by the commission.

[(13)](12) This rule shall not apply to pai gow poker dice.

AUTHORITY: sections 313.004, 313.805, 313.830, [RSMo 1994] and 313.845, RSMo [Supp. 1997] 2000. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed Feb. 28, 2007.

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 May 22, 2007 at 10:00 a.m., 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 45-8.130 Tips [or Gratuities] and Gifts. The commission is amending the title, purpose and sections (1)–(5), and adding a new section (6), and renumber the sections accordingly.

PURPOSE: The purpose of the proposed amendment is to establish regulations regarding the acceptance of tips and gifts.

PURPOSE: This rule establishes regulations [for] regarding the acceptance of tips and gifts.

(1) [Unless] **Except** as provided in this rule, no occupational licensee may accept a tip[s] or [gratuities] **gift from any player or patron.**

(2) Level II occupational licensees may accept tips [or gratuities for work] **for casino-related services performed by the licensee**, or paid leave based on work, that is performed in a nonsupervisory capacity as a dealer, cage cashier, slot attendant, food and beverage personnel, valet, ticketing personnel or other [personnel] **positions** as approved by the director. No occupational license applicant or occupational licensee shall solicit any tip or [gratuity] **gift from any player [or], patron or vendor of the [riverboat gaming operation] Class A licensee** where employed or working.

[[2]](3) Occupational license applicants or occupational licensees eligible to accept tips [or gratuities] shall receive such tips [or gratuities] only in the form of currency, chips, [and] tickets, and tokens.

[[3]](4) No dealers, cage cashiers or slot attendants shall accept currency as a tip [or gratuity] from any player or patron [unless] **except as a tip and only if** the Class A licensee allows such a practice and has provided procedures for accepting such tips [or gratuity] in its internal controls which have been approved by the commission. All tips [and gratuities] given to dealers, cage cashiers and slot attendants shall be—

(A) Immediately deposited into a transparent locked box reserved for that purpose **except that chips received at table games may first be immediately placed in a color up tube if approved internal controls are in place for such action.** If nonvalue chips are received at a roulette table, the marker button indicating their specific value **at that time** shall not be removed [from the slot or receptacle attached to the outer rim of the roulette wheel] **or changed** until after a dealer in the presence of a supervisor has converted [them] **the nonvalue chips** into value chips which are immediately deposited in a transparent locked box reserved for the purpose;

(B) Accounted for by a recorded count conducted by a randomly selected dealer, cage cashier or slot attendant for each respective count, and a randomly selected nongaming employee of the accounting department; and

(C) Placed in separate pools for *pro rata* distribution among the dealers, cage cashiers and slot attendants on a basis that coincides with the normal pay period, with the distribution based upon the number of hours each dealer, cage cashier or slot attendant has worked. Tips [or gratuities] from this pool shall be deposited into an account established by the Class A licensee. Distributions to dealers, cage cashiers and slot attendants from this pool shall be made following the Class A licensee's payroll accounting practices and shall be subject to all applicable state and federal withholding taxes.

[1. The provisions of subsection (3)(C) of this rule notwithstanding, the commission may, in its discretion, allow poker dealers that do not make decisions that can affect the outcome of the gambling game and are not eligible to receive winnings from the gambling game as an agent of the Class A licensee, to pool tips paid to the dealer by a patron with other dealers operating the same type of gambling game. For the purposes of this subsection, winnings from a gambling game shall not include commissions, commonly referred to as the "rake," withheld from amounts

wagered in a game. The commission shall allow such poker dealers to pool tips only upon the request of a Class A licensee that has submitted internal controls governing such practice. The internal controls submitted by the licensee must be approved by the commission.]

(D) The previous provisions of this subsection notwithstanding, a Class A licensee may, subject to internal controls approved by the commission, allow dealers of poker as defined in 11 CSR 45-1.090 to either pool tips paid to the dealer by a patron with other dealers operating poker games in the poker room or receive tips on an individual basis. The receiving of tips individually may be allowed only when the dealer does not make decisions that can affect the outcome of the gambling game, is not eligible to receive winnings from the gambling game as an agent of the Class A licensee, and who uses an approved shuffling machine during the course of the poker game. If tips are received by poker dealers on an individual basis, all tips shall be immediately placed into a locked individual transparent tip box that shall be assigned to and maintained by the dealer while working. The locked individual tip box shall be turned in to the Class A licensee at the end of the shift for counting, withholding of taxes, and subsequent payment during the normal payroll process. For the purposes of this subsection, winnings from a gambling game shall not include commissions, commonly referred to as the "rake," withheld from amounts wagered in a game. Poker dealers may be permitted to receive tips on an individual basis only if the Class A licensee has internal controls governing such practice that have been approved by the commission.

[[4]](5) Upon receipt [from a patron] of a tip [or gratuity] **from a patron**, a dealer, cage cashier or slot attendant shall extend his/her arm in an overt motion and deposit the tip [or gratuity] into the transparent locked box **or color up tube** reserved for such purposes.

(6) Occupational license applicants or occupational licensees other than surveillance and security personnel may accept gifts from suppliers of goods and services to the Class A licensee provided the Class A licensee allows such practice and has provided procedures for accepting gifts in its internal controls which have been approved by the commission. No gifts may be accepted from liquor distributors (11 CSR 45-12.090). Gifts having a reasonable market value of twenty-five dollars (\$25) or more shall be reported to the commission on a form and in a manner prescribed by the commission.

[[5]](7) **Applicable** [S]state and federal taxes shall be withheld on tips and [gratuities] gifts received by occupational license applicants or occupational licensees.

AUTHORITY: sections 313.004, 313.805 and 313.817, 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 Feb. 28, 2007.

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 May 22, 2007 at 10:00 a.m., 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 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.030 Minimum Internal Control Standards. The commission is amending Appendix A and section (1).

PURPOSE: The purpose of the proposed amendment is to amend sections A, B, C, D, E, F, G, H, I, K, L, R, T and the Table of Contents of the Minimum Standards for Internal Control Procedures.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. This incorporated material (Appendix A) may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in Appendix A, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847 Jefferson City, MO 65102. This rule does not incorporate any subsequent amendments or additions. The minimum internal control standards were published by the commission in [2005] 2007 and do not include any later amendments or additions.

AUTHORITY: sections 313.004, 313.800 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 Feb. 28, 2007.

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 cost private entities \$1,100 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 Department of Public Safety, Missouri Gaming Commission, PO Box 1847, 3417 Knipp Drive, 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 May 22, 2007 at 10:00 a.m., in the commission's hearing room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBERTitle: 11 - DEPARTMENT OF PUBLIC SAFETYDivision: 45 - Missouri Gaming CommissionChapter: 9 – Internal Control SystemType of Rulemaking: Proposed AmendmentRule Number and Name: 9.030 – Minimum Internal Control Standards**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
11	Licensed Riverboat Casinos	\$1100

III. WORKSHEET**CHAPTER R - FORMS****Table Games Jackpot Slip**

Affects 11 Casinos – each will have to create a new form or amend existing form

Estimated one time start-up cost of \$100

\$0 on-going costs

Aggregate amount of \$1100.

IV. ASSUMPTIONS

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending section (3) to clarify the calculation of allowable capital costs for per diem rate adjustment requests. The division is amending sections (4), (5), and (15) for the transfer of Direct Medicaid payment adjustments from add-on payments to the per diem rates for new hospitals.

PURPOSE: This amendment converts Direct Medicaid payments from semi-monthly add-on payments to an increase in Medicaid per diem rates for new hospitals whose per diem rates have yet to be determined from fourth prior year cost reports. This amendment also clarifies the calculation of allowable capital costs for per diem rate adjustment requests.

(3) Per Diem Reimbursement Rate Computation. Each hospital shall receive a Medicaid per diem rate based on the following computation.

(A) The per diem rate shall be determined from the 1995 base year cost report in accordance with the following formula:

$$\text{Per Diem} = \frac{(\text{OC} * \text{TI})}{\text{MPD}} + \frac{\text{CMC}}{\text{MPDC}}$$

1. OC—The operating component is the hospital's total allowable cost (TAC) less CMC;

2. CMC—The capital and medical education component of the hospital's TAC;

3. MPD—Medicaid inpatient days;

4. MPDC-MPD—Medicaid patient days for capital costs as defined in paragraph (3)(A)3. with a minimum utilization of sixty percent (60%) as described in paragraph (5)(C)4.8.;

5. TI—Trend indices. The trend indices are applied to the OC of the per diem rate. The trend indices for SFY 1995 is used to adjust the OC to a common fiscal year end of June 30;

6. TAC—Allowable inpatient routine and special care unit expenses, ancillary expenses and graduate medical education costs will be added to determine the hospital's total allowable cost (TAC);

7. The per diem shall not exceed the average Medicaid inpatient charge per diem as determined from the base year cost report and adjusted by the TI; and

8. The per diem shall be adjusted for rate increases granted in accordance with subsection (5)(F) for allowable costs not included in the base year cost report.

(4) Per Diem Rate—New Hospitals.

(C) In addition to the Medicaid rate determined by either subsection (4)(A) or (4)(B), the Medicaid per diem rate for a new hospital licensed after February 1, 2007 shall include an adjustment for the hospital's estimated Direct Medicaid add-on payment per patient day, as determined in subsection (15)(C), until the facility's fourth fiscal year. The Medicaid rate for the facility's fourth fiscal year will be determined in accordance with sections (1)–(3) of this plan. The facility's Direct Medicaid add-on adjustment will then no longer be included in the per diem rate but shall be calculated as a separate add-on payment, as set forth in section (15).

(5) Administrative Actions.

(F) Rate Reconsideration.

1. Rate reconsideration may be requested under this subsection for changes in allowable cost which occur subsequent to the base

period described in subsection (3)(A). The effective date for any increase granted under this subsection shall be no earlier than the first day of the month following the Division of Medical Services' final determination on rate reconsideration.

2. The following may be subject to review under procedures established by the Medicaid agency:

A. New, expanded or terminated services as detailed in subsection (5)(C);

B. When the hospital experiences extraordinary circumstances which may include, but are not limited to, an act of God, war or civil disturbance; and

C. Per diem rate adjustments for critical access hospitals.

(I) Critical access hospitals meeting either the federal definition or the Missouri expanded definition may request per diem rate adjustments in accordance with this subsection. The per diem rate increase will result in a corresponding reduction in the Medicaid direct payment.

(a) Hospitals which meet the federal definition as a critical access hospital will have a per diem rate equal to one hundred percent (100%) of their estimated Medicaid cost per day as determined in section (15).

(b) Hospitals which meet the Missouri expanded definition as a critical access hospital will have a per diem rate equal to seventy-five percent (75%) of their estimated Medicaid cost per day as determined in section (15). **This includes new hospitals meeting the Missouri expanded definition as a critical access hospital whose interim Medicaid rate was calculated in accordance with subsection (15)(C).**

3. The following will not be subject to review under these procedures:

A. The use of Medicare standards and reimbursement principles;

B. The method for determining the trend factor;

C. The use of all-inclusive prospective reimbursement rates; and

D. Increased costs for the successor owner, management or leaseholder that result from changes in ownership, management, control, operation or leasehold interests by whatever form for any hospital previously certified at any time for participation in the Medicaid program, except a review may be conducted when a hospital changes from nonprofit to proprietary or vice versa to recognize the change in its property taxes, see paragraph (5)(E)4.

4. As a condition of review, the Missouri Division of Medical Services may require the hospital to submit to a comprehensive operational review. The review will be made at the discretion of the state Medicaid agency and may be performed by it or its designee. The findings from any such review may be used to recalculate allowable costs for the hospital.

5. The request for an adjustment must be submitted in writing to the Missouri Division of Medical Services and must specifically and clearly identify the issue and the total dollar amount involved. The total dollar amount must be supported by generally acceptable accounting principles. The hospital shall demonstrate the adjustment is necessary, proper and consistent with efficient and economical delivery of covered patient care services. The hospital will be notified in writing of the agency's decision within sixty (60) days of receipt of the hospital's written request or within sixty (60) days of receipt of any additional documentation or clarification which may be required, whichever is later. Failure to submit requested information within the sixty (60)-day period shall be grounds for denial of the request. If the state does not respond within the sixty (60)-day period, the request shall be deemed denied.

(15) Direct Medicaid Payments.

(C) For new hospitals that do not have a base cost report, Direct Medicaid payments shall be estimated as follows:

1. Hospitals receiving Direct Medicaid payments shall be divided into quartiles based on total beds;

2. Direct Medicaid payments shall be individually summed by quartile and then divided by the total beds in the quartile to yield an average Direct Medicaid payment per bed; *[and]*

3. The number of beds for the new hospital without the base cost report shall be multiplied by the average Direct Medicaid payment per bed~~./~~ to determine the hospital's estimated Direct Medicaid payment for the current state fiscal year; and

4. For a new hospital licensed after February 1, 2007, estimated total Direct Medicaid payments for the current state fiscal year shall be divided by the estimated Medicaid patient days for the new hospital's quartile to obtain the estimated Direct Medicaid adjustment per patient day. This adjustment per day shall be added to the new hospital's Medicaid rate as determined in section (4), so that the hospital's Direct Medicaid payment per day is included in its per diem rate, rather than as a separate add-on payment. When the hospital's per diem rate is determined from its fourth prior year cost report in accordance with sections (1)–(3), the facility's Direct Medicaid payment will be calculated in accordance with subsection (15)(B) and reimbursed as an add-on payment rather than as part of the per diem rate. If the hospital is defined as a critical access hospital, its Medicaid per diem rate and Direct Medicaid payment will be determined in accordance with subsection (5)(F).

AUTHORITY: sections 208.153 and 208.201, RSMo 2000 and 208.152 and 208.471, RSMo Supp. [2005] 2006. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history please consult the Code of State Regulations. Amended: Filed Feb. 27, 2007.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

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

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

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Administrative and
Financial Services
Chapter 640—School Buildings**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 166.275 and 166.300, RSMo Supp. 2006, the board rescinds a rule as follows:

5 CSR 30-640.010 School Building Revolving Fund
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2006 (31 MoReg 1869). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Administrative and
Financial Services
Chapter 660—School Finance**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 165.011, RSMo Supp. 2006, the board rescinds a rule as follows:

5 CSR 30-660.065 Definition of Nonathletic, Classroom,
Instructional Facilities and Classroom Instructional
Capital Outlay is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2006 (31 MoReg 1869). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 200—Gifted and Alternative Programs**

ORDER OF RULEMAKING

By authority vested in the State Board of Education under sections 162.720, RSMo 2000 and 161.092 and 162.675, RSMo Supp. 2006, the board amends a rule as follows:

5 CSR 50-200.010 Programs for Gifted Children is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1764-1766). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 12—Liquor Control**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000 and 313.840, RSMo Supp. 2006, the commission amends a rule as follows:

11 CSR 45-12.080 Hours of Operation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1990). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 4, 2007, and the public comment period ended December 31, 2007. At the public hearing, the Missouri Gaming Commission staff received three (3) comments.

COMMENT: Fred Stuckel II representing Harrah's Maryland Heights, LLC opposed the amendment because it had the potential

for tipping the competitive balance in the marketplace if the rule change is not made available for all licensees at the same time. Only casinos in a convention trade area could take advantage of the 3:00 a.m. closing.

RESPONSE: This rule would allow casinos in convention trade areas to be competitive with other local entertainment venues within the same geographical area. Additionally, casinos located in a convention trade area could have establishments serving alcoholic beverages until 3:00 a.m. without this rule if they leased the space to an independent operator that would receive its license from the Division of Liquor Control rather than the Gaming Commission removing that facility from the commission's jurisdiction. No changes have been made to the rule as a result of this comment.

COMMENT: Mike Winter, Executive Director of the Missouri Gaming Association, opposed the proposed amendment because he feels that there is an unfair advantage because of a convention trade area. He wants the rule withdrawn until all casinos can be on the same playing field.

RESPONSE: This rule would allow casinos in convention trade areas to be competitive with other local entertainment venues within the same geographical area. Additionally, casinos located in a convention trade area could have establishments serving alcoholic beverages until 3:00 a.m. without this rule if they leased the space to an independent operator that would receive its license from the Division of Liquor Control rather than the Gaming Commission removing that facility from the commission's jurisdiction. No changes have been made to the rule as a result of this comment.

COMMENT: Jerry Riffel of Lathrop & Gage representing Pinnacle Entertainment, Inc. supported the change because casinos located in convention trade areas must compete with the local entertainment industry. This would allow for an even playing field within the convention trade area. Additionally, convention trade areas are there to promote tourism and casinos located within such convention trade areas should be a part of promoting that tourism and allowing 3:00 a.m. closing would promote those objectives.

RESPONSE: The Missouri Gaming Commission believes that allowing the commission to permit 3:00 a.m. closing in convention trade areas would provide a level playing field within the convention trade area and would be a means of promoting tourism to the state of Missouri. No changes have been made to the rule as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-30.280 Net Receipts from Bingo and Bank Account **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1990-1991). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2000, the director amends a rule as follows:

12 CSR 10-41.010 Annual Adjusted Rate of Interest **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1991-1993). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 42—General Department Policies**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.057, RSMo Supp. 2006, the director rescinds a rule as follows:

12 CSR 10-42.110 Local Tax Management Report **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1994). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 400—Individual Income Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 143.961, RSMo 2000 and 135.327, RSMo Supp. 2006, the director amends a rule as follows:

12 CSR 10-400.200 Special Needs Adoption Tax Credit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1994-1997). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 400—Individual Income Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 135.327, RSMo Supp. 2006, the director adopts a rule as follows:

**12 CSR 10-400.210 Children in Crisis Tax Credit
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1998–2000). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 405—Homestead Preservation Credit**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 137.106, RSMo Supp. 2006, the director amends a rule as follows:

**12 CSR 10-405.105 Homestead Preservation Credit—
Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 2001). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 405—Homestead Preservation Credit**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 137.106, RSMo Supp. 2006, the director amends a rule as follows:

**12 CSR 10-405.205 Homestead Preservation Credit—
Qualifications and Amount of Credit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 2001). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability**

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the division amends a rule as follows:

**13 CSR 70-3.030 Sanctions for False or Fraudulent Claims
for Title XIX Services is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2006 (31 MoReg 2050–2052). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services received one (1) comment on the proposed amendment.

COMMENT: The Department of Mental Health, Division of Mental Retardation and Developmental Disabilities expressed support for the proposed amendment language and commented that the change would improve current logging requirements for division case managers.

RESPONSE: Support was being expressed. No changes have been made to the rule as a result of this comment.

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

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before April 30, 2007.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- E-mail: Kathy.Hatfield@modot.mo.gov
- Mail: PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery: 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions: All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket: For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-

0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2005, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP060719029

Applicant's Name & Age: Terry E. Fragale, 44
Relevant Physical Condition: Mr. Fragale's best-corrected visual acuity in his right eye is 20/30 Snellen and his left eye is 20/25 Snellen. He has been diagnosed as having diabetes mellitus since July 2006.
Relevant Driving Experience: Mr. Fragale has been employed since 1991 with Integram St. Louis Seating in Pacific, MO as a material handler and is a truck pool driver. He has approximately 4 years of commercial motor vehicle driving experience. He currently has a Class A CDL. Drives personal vehicle(s) daily.
Doctor's Opinion & Date: Following an examination in October 2006, his endocrinologist certified, "In my medical opinion, Mr. Fragale's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations on record.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: March 1, 2007

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 2—Energy Set-Aside Fund**

IN ADDITION

Loan Application Cycle Notification

The Missouri Department of Natural Resources Energy Center, effective immediately, will begin accepting applications for competitive financing under the Energy Loan Program. This program provides loans to Missouri K-12 public schools, local governments and public higher education facilities to perform energy-efficiency projects. Applications for funding are due by April 30, 2007, with funds to be awarded by June 30, 2007.

The department intends to make approximately \$5 million to \$7 million available for new loans for energy-efficiency projects. The department reserves the right to adjust the total amount of funds available for new loans. The available loan funds will be allocated to eligible sectors in the following percentages: K-12 public schools—50 percent; local governments—25 percent; and public higher education facilities—25 percent. Any unobligated funds in a designated sector may be used to provide loans to the other eligible sectors.

This is a competitive loan-application cycle. To determine which receive funding, the department will rank applications based on project payback, which includes analysis of project implementation costs and anticipated energy cost savings. Projects with the lowest payback score in each sector will be funded until all available funds are awarded. In case of identical payback scores, the eligible applicant with the highest percentage of BTU savings will receive funding. One application per eligible entity will be accepted in an amount not to exceed \$1 million. The department may fund all or a portion of individual applications for loan financing. Any applicants with enforcement issues with the department will be disqualified. Please call the Department of Natural Resources Energy Center at one of the numbers below for information about interest rates.

Eligible applicants may request an application packet or receive additional information by contacting Energy Center staff at one of the following numbers:

Jefferson City:	(573) 751-3443 or (800) 361-4827
Kansas City:	(816) 759-7313, ext. 2263
St. Louis:	(314) 416-2960

Or via the Internet at
<http://www.dnr.mo.gov/energy/financial.loan.htm>.

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

NOTICE OF WINDING UP FOR
LIMITED LIABILITY COMPANY
PARAGON PROPERTIES, L.C.

On December 29, 2006, PARAGON PROPERTIES, L.C. filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Persons and organizations with claims against Paragon Properties, L.C. should present said claims immediately by letter to Paragon Properties, L.C., c/o Michael J. Doster, 17107 Chesterfield Airport Road, Suite 300, Chesterfield, MO 63005.

All claims to the Company must include (1) the name, address, and phone number of the claimant; (2) the amount claimed; (3) the basis of the claim; (4) the date on which the claim arose; and (5) documentation supporting the claim.

NOTICE: Because of the winding up of Paragon Properties, L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by statute, whichever is published last.

NOTICE OF WINDING UP FOR
LIMITED LIABILITY COMPANY
PARAGON PROPERTIES II, L.C.

On December 29, 2006, PARAGON PROPERTIES II, L.C. filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Persons and organizations with claims against Paragon Properties II, L.C. should present said claims immediately by letter to Paragon Properties II, L.C., c/o Michael J. Doster, 17107 Chesterfield Airport Road, Suite 300, Chesterfield, MO 63005.

All claims to the Company must include (1) the name, address, and phone number of the claimant; (2) the amount claimed; (3) the basis of the claim; (4) the date on which the claim arose; and (5) documentation supporting the claim.

NOTICE: Because of the winding up of Paragon Properties II, L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by statute, whichever is published last.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS AND CLAIMANTS
AGAINST
CISCO LIT, INC.

CISCO LIT, Inc. was dissolved as of the 13th day of February, 2007. Any and all claims against CISCO LIT, Inc. may be sent to James C. Thomas III, , Husch & Eppenberger, LLC, 1200 Main Street, Ste. 2300, Kansas City, Missouri 64105. Each such claim should include the following: the name, address and telephone number of the claimant; amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim was based occurred; and whether the corporation has been previously notified of the claim, and if so, when. Any and all claims against CISCO LIT, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the date of this publication.

NOTICE OF CORPORATE DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
UNITED MATERIALS COMPANY, INC.

On 1/30/2007, UNITED MATERIALS COMPANY, INC., a Missouri corporation, was dissolved upon the filing of their Articles of Dissolution with the Secretary of State.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to: James R. Strong, Esq., Husch & Eppenberger, LLC, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105. All claims must include the claimant's name and address, the amount, date and basis for the claim.

ANY CLAIMS AGAINST UNITED MATERIALS COMPANY, INC. WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE LAST PUBLICATION DATE OF THE NOTICES AUTHORIZED BY STATUTE.

LIMITED LIABILITY COMPANY
To ALL CREDITORS OF AND
CLAIMANTS AGAINST
DLT, LLC

On January 26, 2007, DLT, LLC filed Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Claims against DLT, LLC must be submitted to L. Thompson, PO 1292, Pollock Pines, CA 95726. Claims must include name, address, amount, basis of claim, and documentation of claim. By law, proceedings are barred unless commenced against the LLC within three years after the publication of notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MACHINERY FABRICATION, INC., A MISSOURI CORPORATION

On February 20, 2007, Machinery Fabrication, Inc., a Missouri Corporation, filed its Articles of Voluntary Dissolution with the Missouri Secretary of State. Dissolution was effective on the filing date. All persons and organizations with claims against said corporation must submit in writing to L. Dwayne Hackworth, Hackworth, Hackworth & Ferguson, L.L.C., 1401 North Main, Suite 200, Piedmont, Missouri, 63957, a summary of the claim, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim arose (or will arise); 4) brief description of the nature of the debt or the basis for the claim and the collateral used as security, if any; and 5) documentation in support of claim.

Notice: Any and all claims against Machinery Fabrication, Inc., will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of the last publication of the two (one statewide and one county) notices.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST
WORLDWIDE EQUIPMENT SALES, INC., A MISSOURI CORPORATION

On February 20, 2007, Worldwide Equipment Sales, Inc., a Missouri Corporation, filed its Articles of Voluntary Dissolution with the Missouri Secretary of State. Dissolution was effective on the filing date. All persons and organizations with claims against said corporation must submit in writing to L. Dwayne Hackworth, Hackworth, Hackworth & Ferguson, L.L.C., 1401 North Main, Suite 200, Piedmont, Missouri, 63957, a summary of the claim, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim arose (or will arise); 4) brief description of the nature of the debt or the basis for the claim and the collateral used as security, if any; and 5) documentation in support of claim.

Notice: Any and all claims against Worldwide Equipment Sales, Inc., will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of the last publication of the two (one statewide and one county) notices.