

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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 23—Electric Utility Operational Standards**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 386.310, and 393.140, RSMo 2000 and section 393.130, RSMo Supp. 2007, the commission adopts a rule as follows:

4 CSR 240-23.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2008 (33 MoReg 407-435). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed amendment was held March 26, 2008, and the public comment period ended March 17, 2008. Five (5) written comments were received, from Union Electric Company d/b/a AmerenUE, Aquila, Inc., Empire District Electric Company, Kansas City Power & Light (KCP&L), and the Missouri Energy Development Association (MEDA) (of which all four (4) companies commenting are members). The only person presenting testimony at the hearing was Daniel I. Beck, on behalf of the staff of the Missouri Public Service Commission. In response to questions from the bench, the following

people also testified: Ron Zdeller on behalf of AmerenUE, Mike Palmer on behalf of Empire, Bill Herdegen on behalf of KCP&L, Elliott Connell on behalf of Aquila, and Christina Baker on behalf of the Office of Public Counsel. The testimony and comments verified the need for the proposed rule and generally supported it. Therefore, no substantive changes will be made to the proposed rule.

COMMENT #1: All seven (7) entities that commented or testified in this proceeding support the rule as proposed. Some participants suggested nonsubstantive language changes as more fully set forth below. All of those participants do not support the version referred to as the "Dissent Version." Comments or testimony in response to incorporation of specific language into the proposed rule are discussed herein. Discussion of the merits of the Dissent Version, having not been formally proposed by the commission, is not included.

RESPONSE: No language change is necessitated by this comment.

COMMENT #2: Commenters do not support adoption of reliability performance metric standards. The commission has recently set clear ground rules for how vegetation management is to be conducted and how infrastructure is to be inspected and maintained and the electric utilities are spending many millions of dollars to implement compliance programs. What reasonably achievable reliability metrics should be is unknown, and a single metric may not be possible. Each of Missouri's electric utilities has different service area characteristics. Some are more metropolitan; others have a high enough percentage of rural circuits. Some serve homes with back-lot-routed distribution lines. The distribution systems are of differing ages. Tree densities vary. Any "one size fits all" benchmark may create goals that are too easy for some and nearly impossible for others. After the infrastructure and vegetation management rules have been fully implemented, the commission may have sufficient basis for the imposition of company-specific reliability metrics, based on trends revealed in basic reliability metrics, which are reasonably achievable and not overly sensitive to factors outside of the utility's control, such as storm outages.

The proposed rule, at its core, addresses the need to consistently calculate and track reliability metrics, identify areas where reliability is suffering, implement programs to maintain or improve reliability, and regularly track and report these activities to the commission.

The proposed rule is reasonable. It provides for monitoring of reliability performance and complements the previously adopted infrastructure and vegetation rules. The proposed rule establishes a consistent platform for monitoring and reporting reliability metrics. Common metrics and uniform methods of calculation are critical to consistent year-to-year trending and comparisons between utilities. Also, incorporation of the only national electric utility reliability standard, IEEE 1366-2003, allows broader comparison across the industry. The reporting requirements will enable monitoring of the utilities' compliance with the rule without the need to impose fines, penalties, or sanctions. Trending is different from benchmarking. An extensive time-series trend of consistent performance metrics is required before any meaningful benchmarks or performance standards can be considered.

RESPONSE: No language change is necessitated by this comment.

COMMENT #3: The commission has recently adopted an infrastructure rule and vegetation rule. These rules reasonably balance the cost of these programs against the likely service quality improvements they will yield. It is appropriate that the commission adopt a reliability reporting rule that provides for thorough monitoring of the main objective of these two (2) previously adopted rules, which is maintaining or improving service reliability. It is also appropriate that the commission require that electric corporations track their worst performing circuits and provide thorough reporting of what is being done to address these trouble spots.

RESPONSE: No language change is necessitated by this comment.

COMMENT #4: KCP&L does not believe the changes suggested in its comments are substantive changes to the proposed rule. Rather, the suggested changes are meant to clarify and improve certain language in the rule. The company commends the commission's collaborative process that resulted in this draft rule yielding a reasonable and balanced rule, and appreciates the opportunity to supply comments at this time.

RESPONSE: No language change is necessitated by this comment.

COMMENT #5: Aquila does not propose that any substantive changes be made to the proposed rule. The regulatory process that resulted in this draft of the rule yielded a reasonable product. Aquila believes the rule, as drafted, strikes an appropriate balance between supporting and improving, where possible, the quality of the service that is provided and the real costs associated with the specific requirements of the rule at issue. Aquila believes the commission's rule, as approved by the majority, has appropriately achieved that balance and it should therefore be adopted as proposed.

RESPONSE: No language change is necessitated by this comment.

COMMENT #6: Empire supports the proposed rule, as it will provide a consistent method of calculating reliability metrics. Empire strongly cautions against modifying the rule as proposed by the dissenting opinion as Empire anticipates it will only increase the cost of electrical service to Missouri customers with no recognizable benefit.

RESPONSE: No language change is necessitated by this comment.

COMMENT #7: AmerenUE reiterates its position that the reliability rule, as proposed by the majority of commissioners in this rulemaking, is an appropriate rule that will provide the commission, as well as the public, with the necessary information to properly discharge the commission's oversight duties with respect to ensuring that Missouri's electric utilities provide safe and adequate service with an appropriate level of reliability.

RESPONSE: No language change is necessitated by this comment.

COMMENT #8: Section (1) of the proposed rule requires electric utilities to document, on a monthly basis, reliability performance as measured by System Average Interruption Frequency Index (SAIFI), Customer Average Interruption Frequency Index (CAIFI), System Average Interruption Duration Index (SAIDI) and Customer Average Interruption Duration Index (CAIDI). AmerenUE believes the adoption of IEEE standard 1366 "Guide for Electric Power Distribution Reliability Indices" for definitions of terms used in the various reliability indices, as required in section (3), will ensure that all of the utilities in Missouri classify their interruptions in a consistent manner rather than relying on each utility to define, for example, what constitutes a "service interruption." Another commenter suggested that the rule specifically state that "Index Definitions and Calculations shall be per IEEE Standard 1366-2003, subject to the exclusions listed in section (5)."

RESPONSE: The indices set forth in this section of the rule are terms of art with specific meaning derived only from the IEEE standards. Therefore, the language is sufficiently clear, and no language change will be made as a result of this comment.

COMMENT #9: Section (2) requires reliability information to be filed annually, adjusted and not adjusted for major storms, by each utility. Over time, these reports will assist the commission in monitoring and evaluating the reliability performance of each utility in the state as well as improve the transparency of utility operations to the commission. This should enhance commission oversight of utility system reliability.

RESPONSE: No language change is necessitated by this comment.

COMMENT #10: The infrastructure rule (4 CSR 240-23.020) reporting is due annually on July 1st. The commission should use the same date for reporting the proposed rule metrics.

RESPONSE: The date for reporting under this rule was intentionally made to be different from the other rules, so as to allow for better review. No change will be made.

COMMENT #11: In section (3), the term "storms" is already included as a major event in the referenced IEEE 1366-2003 standard. Delete the word "storm" from the second sentence.

RESPONSE: Although this comment is technically correct, the word "storm" properly directs users to modify certain reports, as storms are the most common "major event." No change will be made.

COMMENT #12: Sections (6) through (8) deal with tracking and reporting of a utility's worst performing circuits. These tracking and reporting requirements will further enhance the commission's ability to provide appropriate oversight relating to the overall provision of safe and adequate service by the utilities. However, it is important to note that there are circuits that will not leave the worst performing circuit list, because it would not be appropriate to make the enormous investment necessary to move those circuits off of the worst performing circuit list. For example, portions of the AmerenUE system run through densely forested and thinly populated areas with very long distances between the substation and the last residential customer. Because some of these lines are located in a national forest, AmerenUE faces government-mandated restrictions on the type of vegetation management practices it can undertake. This means that there will be outages in these areas that have nothing to do with how well AmerenUE is maintaining these circuits. These kinds of outages are a function of the location of the lines in a rural, heavily forested area. This is not to say that the company cannot or will not work to improve the reliability of these circuits, but it is important to note at the outset of these rules that not all circuits are equal, and not all can be improved with a simple infusion of money.

RESPONSE: No language change is necessitated by this comment.

COMMENT #13: A program to address worst performing circuits is an important component of an overall asset management portfolio. KCP&L believes the proposed rule's target of addressing five percent (5%) of a utility's Missouri circuits is a reasonable objective. Increasing the target from five percent to ten percent (5%-10%) could double KCP&L's cost to comply with the rule. Reporting under the proposed rule of the five percent (5%) worst performing circuits is reasonable, and will yield the most cost-effective improvements in reliability for KCP&L's customers.

RESPONSE: No language change is necessitated by this comment.

COMMENT #14: In section (6), clarify scope of analysis. Insert the word "distribution" in the second sentence, i.e., ". . . analyzing its worst performing distribution circuits . . ."

RESPONSE: The section already limits its application to ". . . circuits used to serve . . . retail customers . . ." Insertion of the word "distribution" is unnecessary. No change will be made in response to this comment.

COMMENT #15: MEDA recommends that year 2010 in the first sentence of section (8) be revised to 2011. This paragraph refers to three (3) consecutive years of data and this data will not now be available until 2011.

RESPONSE AND EXPLANATION OF CHANGE: The requested change is appropriate and will be made.

COMMENT #16: In section (8), clarify the scope of worst performing circuit analysis. Insert the words "root causes" into the last sentence, i.e., ". . . or other local conditions, root causes, customer density and . . ."

RESPONSE: Although insertion of this language is not inconsistent

with the intent of this section, it is unnecessary. No change will be made in response to this comment.

COMMENT #17: In section (9), as reliability programs are, by their very nature, intended to maintain or improve system reliability, delete the word "Improvement" from the paragraph title.

RESPONSE: Although deletion of this language is not inconsistent with the intent of this section, it is unnecessary. No change will be made in response to this comment.

COMMENT #18: Annual budgets are not always approved by the end of the previous calendar year. Completion of the previous year's scope may affect the following year's programs as well. Although eighty percent (80%) of the plan may be known by December 31 of the preceding year, the entire plan usually is developed after the beginning of the year. Move the date for filing the summary report on reliability programs back by at least two (2) months to the end of February.

RESPONSE: As this section of the rule calls for submission of plans, it is understood that some of the details may not be final, and that in some instances, activity will differ from the plan. If, through experience, this section proves unworkable, it can be amended. Until then, companies should submit what plans they have, in such detail as they can gather, in the required time frame. No change will be made in response to this comment.

COMMENT #19: The language is unclear as to whether the first report is due on December 31, 2009 and whether it will cover programs planned for execution in 2010. Clarify the due date and content of the first summary report.

RESPONSE AND EXPLANATION OF CHANGE: This section is confusing and will be rewritten, as more fully set forth below.

COMMENT #20: Section (10) requires the undergrounding of lines in new residential subdivisions. Commenters generally agree with this requirement, although there may be a need to apply for variances under certain circumstances. The staff notes that some companies may need to change their tariffs to comply fully with this section. Commenters concur with the provision which allows the installation of overhead facilities where the installation of underground facilities would not be prudent.

Some companies currently offer residential subdivision developers the option of overhead or underground service facilities and the developer bears additional costs of underground service. Many developers select underground facilities for their subdivisions; however, some developers do select overhead. Those companies do not anticipate changing the practice as a result of the adoption of the proposed rule, but will provide and maintain a record of any developer's request for overhead facilities.

One commenter asserts that the rule lacks clarity. The intent of this section is to install facilities on the surface at grade level or below grade as opposed to overhead on poles, resulting in the primary, secondary, and service cables to be below grade. Change the end of the second sentence to read, ". . . subdivision distribution facilities underground, or surface mounted so conductors and cables are underground."

RESPONSE: As noted above, the section allows the installation of overhead facilities where the installation of underground facilities would not be prudent, whether for financial, technical, or other reasons. The idea that pedestals will be on-grade is implied within the rule, as placing the electronic equipment contained therein in underground facilities would be very costly, less reliable, and more difficult to service, to wit: unreasonable. Although insertion of this language is not inconsistent with the intent of this section, it is unnecessary. No change will be made in response to this comment.

COMMENT #21: Section (11) allows the commission to disseminate reliability information to the public, and provide comparisons of this

data to similar information from other states. The rule indicates that the commission will also release explanations of differences, such as calculation methodologies. AmerenUE appreciates the commission's recognition that it is not possible to simply compare one utility's reliability numbers with another. The same result for different utilities, for example one rural and one urban, may indicate a reliability problem for one utility and not for the other. Consequently, along with differences in calculation methodologies, the commission should acknowledge in any informational release that a straight comparison of the reliability statistics of any two (2) utilities is likely not appropriate and that there are many factors, including the type of territory each utility serves, that will impact a particular utility's reliability statistics. A more appropriate comparison, and one that might provide useful information to the public, would be a comparison of the same utility's reliability statistics over a period of years. That is information which would be provided under this rule. Certainly that information will help reveal trends, either good or bad.

RESPONSE: No language change is necessitated by this comment.

COMMENT #22: In the course of the hearing, Commissioner Clayton asked the various witnesses whether they would support the insertion of the following language in the rule:

In each electrical corporation's next general rate increase or general rate decrease case, part of the electrical corporation's rates and charges shall be ordered by the commission to go into effect interim, subject to refund. The amount of the electrical corporation's rates and charges that shall be ordered to go into effect interim, subject to refund shall equal: for each residential customer, for each month, the greater of twenty-five dollars (\$25) or the customer's monthly customer charge, and for each other distribution customer, for each month, the customer's minimum monthly bill prorated for four (4) days. Within thirty (30) days after an electrical corporation provides customer credits pursuant to this rule, it shall provide the staff of the commission and to the Office of the Public Counsel workpapers supporting that event. A true-up hearing shall occur no later than one hundred twenty (120) days after each succeeding twelve (12)-month period from the date new rates and charges go into effect after a general rate increase or a general rate decrease case. The purpose of the true-up procedure shall be for the commission to review both the electrical corporation's compliance with the reliability requirements of this rule and the adequacy of the monies collected interim, subject to refund to fund the credits required by this rule for a particular twelve (12)-month period. If the commission determines that an electrical corporation has complied with this rule for a particular twelve (12)-month period, and the electrical corporation still has funds interim, subject to refund remaining for that particular twelve (12)-month period, the commission may direct that the electrical corporation is no longer required to treat these particular funds as interim, subject to refund. If the commission determines that an electrical corporation has not complied with this rule in a substantial facet for the particular twelve (12)-month period, and, therefore, is still subject to the requirement of funding credits for the particular twelve (12)-month period under review, and the electrical corporation still has funds interim, subject to refund remaining for this particular twelve (12)-month period, the commission may direct that the electrical corporation shall continue to treat these particular funds as interim, subject to refund pending further commission order. If the electrical corporation has not complied with the crediting requirements of this rule, the commission may order the electrical corporation to comply.

The witnesses all responded that they would not support this language.

RESPONSE: No language change is necessitated by this comment.

COMMENT #23: KCP&L offers correction to data in Fiscal Note—Private Cost as published in the *Missouri Register*. The private cost

information was updated. The number of circuits in Section IV should be increased from four hundred twenty (420) circuits to four hundred forty-four (444) circuits with five percent (5%) equaling twenty-three (23) circuits. As a result, the estimated annual cost for KCP&L is increased from \$1,156,000 to \$1,227,000 in Sections II and III. These changes have negligible effect on the first year implementation cost estimate.

RESPONSE AND EXPLANATION OF CHANGE: The private cost fiscal note will be changed to reflect this correction and is attached hereto.

4 CSR 240-23.010 Electric Utility System Reliability Monitoring and Reporting Submission Requirements

(8) Multi-Year Worst Performing Circuit Reporting. If, on or after the time the annual report required by section (7) for calendar year 2011 is filed, a circuit has been on the worst performing circuit list for any two (2) of the three (3) most recent consecutive calendar years, the electrical corporation shall include detailed plans and schedules for improving the performance of that circuit in addition to the other information required by section (7). Such plans and schedules may vary from circuit to circuit based on differences in geography or other local conditions, customer density, and cost considerations.

(9) Reliability Improvement Programs. Each electrical corporation shall transmit to the manager of the energy department of the commission, or the manager's designee, no later than the last business day of December each year: A summary report detailing all programs scheduled for the upcoming calendar year designed to maintain or improve service reliability. The information shall be reported by regional/district/division operating areas, if the electrical corporation's operations are divided into regions/districts/divisions. This report shall include funding levels and the status of each of these programs. The first such report shall be transmitted no later than December 31, 2008.

REVISED PRIVATE COST: This rule will cost private entities approximately two hundred thirty thousand dollars (\$230,000) in implementation costs. Annual compliance costs will be approximately \$3,474,000. A revised fiscal note is printed with this order of rule-making.

REVISED FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	4 CSR 240-23.010 – Electric Utility System Reliability Monitoring and Reporting Submission Requirements
Type of Rulemaking	Proposed Rule

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:
Four (4)	Investor Owned Electric Utility Companies	
	AmerenUE	Implementation: \$130,000 Annually: \$1,770,000
	Aquila	Implementation: \$50,000 Annually: unknown at this time
	Empire	Implementation: unknown at this time Annually: \$477,000
	Kansas City Power & Light	Implementation: \$50,000 Annually: \$1,227,000
	Total	Implementation: \$230,000 Annually: \$3,474,000

III. WORKSHEET

AmerenUE: First year implementation cost = \$130,000. Average year-to-year ongoing cost of \$1,770,000 per year over the first 3 years.

Aquila: First year implementation cost = \$50,000. Year-to-year ongoing costs are not known at this time. Reliability improvements required in the future to address worst-performing circuits are unknown at this time.

Empire District Electric Company: Average year-to-year ongoing cost of \$477,000 per year over the first 3 years. Reliability improvements required in the future to address worst-performing circuits are unknown at this time.

Kansas City Power & Light: First year implementation cost = \$50,000. Average year-to-year ongoing cost of \$1,156,000 per year over the first 3 years.

REVISION OF KCPL: KCPL offers correction to data in Fiscal Note – Private Cost as published in the Missouri Register. The private cost information was updated. The number of circuits in section IV should be increased from 420 circuits to 444 circuits with 5% equaling 23 circuits. As a result, the estimated annual cost for KCPL is increased from \$1,156,000 to \$1,227,000 in Sections II and III. These changes have negligible effect on the first year implementation cost estimate.

Total: Implementation Cost ~ \$230,000, Average Annual Ongoing Over First 3 Years ~ \$3,403,000, Uncertain on Total Cost for Reliability Improvements on Worst Performing Circuits

IV. ASSUMPTIONS

The number of circuits that each of these utilities operates in Missouri is given below. The approximate number of worst performing circuits that would be reported each year.

AmerenUE: # of MO circuits = 2400, 5% = 120

Aquila: # of MO circuits = 492, 5% = 25

Empire District Electric Company: # of MO circuits = 240, 5% = 12

Kansas City Power & Light: # of MO circuits = 444, 5% = 23

Total # of Worst Performing Circuits to be Reported Each Year ~ 180

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Division of Career Education
Chapter 120—Career Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under Public Law 105-332 and section 161.092, RSMo Supp. 2007 and section 178.430, RSMo 2000, the board hereby amends a rule as follows:

5 CSR 60-120.010 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. During the month of January 2008, the Division of Career Education conducted six (6) public hearings regarding proposed changes to the Missouri State Plan for Career Education. The hearings were conducted in Jefferson City, Cape Girardeau, Springfield, St. Charles, Kansas City, and Macon.

This rule becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes the administrative provisions for the delivery of the state's federally-assisted career education program.

5 CSR 60-120.010 State Plan for Career Education. This order of rulemaking amends the rule title, the Purpose, and sections (1)–(4) to bring the program plan in compliance with federal statutes.

PURPOSE: This rule incorporates the current state plan for career education. This plan constitutes the basis for the operation and administration of the state's federally-assisted career education program established by the current career education legislation and subsequent amendments enacted by the United States Congress and regulations implementing Acts of Congress published by the Secretary of the United States Department of Education. The plan is submitted to, and with the approval of, the United States Department of Education. It serves as a guide for administering federally-funded career education programs, services, and activities for eligible sub-recipients in Missouri.

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

(1) The state Department of Elementary and Secondary Education, in consultation with teachers, administrators, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, representatives of labor organizations, and the governor, prepares the state plan. The plan identifies specific groups of individuals to be served and indicates the types of programs, services, and activities which may be provided. It enumerates the goals and objectives which serve as a basis for the statewide effort to provide for the career education needs of the people of Missouri.

(2) The Missouri State Plan for Career Education contains the administrative provisions for the delivery of the state's federally-assisted career education program. The Missouri State Plan for Career Education State Fiscal Years 2008–2013 is hereby incorporated by reference and made a part of this rule. A copy of the

Missouri State Plan for Career Education (revised 2008) is published by and can be obtained from the Department of Elementary and Secondary Education, Division of Career Education, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(3) Rules pertaining to the State Board of Education which is responsible for the administration of the state plan, statements of assurance, methods of joint planning and coordination, procedures on local applications and procedures to establish and meet the state level of performance for the six (6) core indicators of performance for secondary programs and the five (5) core indicators of performance for postsecondary programs are contained in the plan.

(4) Operational procedures concerning the allocation of funds for career education programs are contained in the plan. These procedures deal with funding allocations and procedures for secondary, postsecondary, and adult career education programs. Additional procedures pertaining to tech prep education and staff development activities are also included.

AUTHORITY: Public Law 105-332, section 178.430, RSMo 2000 and section 161.092, RSMo Supp. 2007. Original rule filed Aug. 22, 1974, effective Sept. 2, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 13, 2008, effective July 30, 2008.

PUBLIC COST: This order of rulemaking is estimated to cost state agencies or political subdivisions approximately \$23,261,201 during Fiscal Year 2009 with the cost recurring annually over the life of the rule subject to appropriations.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
 Division: 60 - Career Education
 Chapter: 120 - Career Education
 Type of Rulemaking: Order of Rulemaking
 Rule Number and Name: 5 CSR 60-120.010 State Plan for Career Education

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State of Missouri	\$23,261,201 is estimated for Fiscal Year 2009 with the cost recurring annually over the life of the rule subject to appropriations to be distributed to career education programs.

III. WORKSHEET

The Missouri State Plan for Career Education provides the direction as to how career education programs and state/federal funds are administered. During the 2006-07 school year, 288,627 Missouri high school students and adults took part in career education programs in public high schools, area career centers, community colleges and four-year colleges and universities.

IV. ASSUMPTIONS

The Missouri General Assembly and Congress will continue to obligate resources to assist Missouri in continuing its efforts in career education as identified in the State Plan.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2000, the commission withdraws this proposed rescission and amends the rule as follows:

11 CSR 45-4.050 is amended.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2008 (33 MoReg 41). This proposed rescission is withdrawn, and the rule is amended. Changes have been made to the text of the rule, so it is reprinted here. This rule is amended and becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments on this proposed rescission; however, the staff made one (1) comment. The commission also received a comment from the Joint Committee on Administrative Rules (JCAR).

COMMENT #1: Staff recommends maintaining the current rule 11 CSR 45-4.050 for the purposes of historical relevancy for issuing new licenses.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees and 11 CSR 45-4.050 will not be rescinded. The language in the version of the proposed rule for 11 CSR 45-4.050 has been renumbered as 11 CSR 45-4.055.

COMMENT #2: JCAR made a comment about the conflict of fees listed in the current rule with the fees listed in the new rule 11 CSR 45-4.055.

RESPONSE AND EXPLANATION OF CHANGE: After further discussion with the Administrative Rules Division and JCAR, the commission agrees to amend this rule by deleting sections (2)-(4).

11 CSR 45-4.050 Application Period and Fees for Class A License

PURPOSE: This rule establishes an application period and fees.

(1) All applications for a Class A license must be received within forty-five (45) days of the effective date of emergency rules and the publication of license application forms. No further Class A applications will be accepted for a period of one (1) month after the initial forty-five (45)-day filing period. All other applications may be filed at any time.

AUTHORITY: sections 313.004 and 313.812, RSMo 1994. 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. Amended: Filed Dec. 7, 1995, effective June 30, 1996. Amended: Filed Aug. 30, 1996, effective April 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 3, 2007, changed to amended April 25, 2008, effective July 30, 2008.

**Title 18—PUBLIC DEFENDER COMMISSION
Division 10—Office of State Public Defender
Chapter 2—Definition of Eligible Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Defender Commission under sections 600.017 and 600.086, RSMo 2000, the commission amends a rule as follows:

18 CSR 10-2.010 Definition of Eligible Cases is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2008 (33 MoReg 333-334). 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 18—PUBLIC DEFENDER COMMISSION
Division 10—Office of State Public Defender
Chapter 4—Rule for the Acceptance of Cases and
Payment of Private Counsel Litigation Costs**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Defender Commission under sections 600.017 and 600.086, RSMo 2000, the commission adopts a rule as follows:

**18 CSR 10-4.010 Rule for the Acceptance of Cases and Payment
of Private Counsel Litigation Costs is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2008 (33 MoReg 334). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 700-1.005 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 71-72). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received regarding this rule; however, the department will make changes based on comments received for other rules in this chapter that effect this rule.

COMMENT: The department staff said the definition of "Covered Annuity" should be eliminated as the term does not appear in the modified rules. A definition for "Producer" should be added in response to a comment made regarding 20 CSR 700-1.146.

RESPONSE AND EXPLANATION OF CHANGE: The department will delete the definition of covered annuity and add a definition for producer.

20 CSR 700-1.005 Scope and Definitions

(2) Definitions.

(C) "Director," the director of the department.

(D) "Department," the Department of Insurance, Financial Institutions and Professional Registration.

(E) "ERISA," the Employee Retirement and Income Security Act of 1974 (29 U.S.C. Section 1101 *et seq.*).

(F) "FINRA," the Financial Industry Regulatory Authority.

(G) "Insurer," an insurance company, fraternal benefit society, health services corporation, health maintenance organization, pre-paid health plan, or any similar organization authorized to transact business in Missouri.

(H) "License," the whole or part of any permit, registration, membership, statutory exemption, or any other form of permission granted by the director to any person.

(I) "Licensee," a person licensed by Missouri to act as an insurance producer.

(J) "NAIC," the National Association of Insurance Commissioners.

(K) "NIPR," the National Insurance Producer Registry.

(L) "Personal insurance policy," any liability or risk-assuming policy, contract, subscriber agreement, rider, or endorsement delivered or issued for delivery in this state by an insurer, for the purpose of providing personal, noncommercial insurance coverage to an individual or family on a nongroup basis, including individual or family automobile, homeowners, life, annuity, health, property, or casualty coverage.

(M) "Producer," the same meaning as in section 375.012, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION****Division 700—Insurance Licensing
Chapter 1—Insurance Producers****ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 700-1.010 Insurance Producer's Examination and
Licensing Procedures and Standards is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 72–75). 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 was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing, Missouri Association of Insurance Agents (MAIA) made comments regarding the proposed amendment.

COMMENT #1: Larry Case testified on behalf of Missouri Association of Insurance Agents (MAIA) in favor of the rule.

RESPONSE: No changes have been made to the amendment as a result of this comment.

COMMENT #2: Calvin W. Call and Brent Butler, on behalf of Missouri Insurance Coalition, commented that the examination requirement in subsection (3)(A) was beyond the department's authority because it directly contradicts state law in section 375.016.7, RSMo, which states "Individuals applying for limited lines producer licenses shall be exempt from examination."

RESPONSE: "Limited lines insurance" is defined by section 375.012.2(10), RSMo as: "insurance involved in credit transactions, insurance contracts issued primarily for covering the risk of travel or any other line of insurance that the director deems necessary to recognize for the purposes of complying with subsection 5 of section 375.017." Section 375.017.5 applies to non-resident applicants and states: "Notwithstanding any other provision of this chapter, a person licensed as a limited line credit insurance producer or other type of limited lines producer in his or her home state shall receive a non-resident limited lines producer license, pursuant to subsection 1 of this section, granting the same scope of authority as granted under the license issued by the home state of the producer. For the purposes of this subsection, limited line insurance is any authority granted by the home state which restricts the authority of the license to less than the total authority prescribed in the associated major lines pursuant to subdivisions (1) to (6) of subsection 1 of section 375.018." None of the lines the department proposes to examine are included in the definition of "limited lines insurance". The director respectfully disagrees with this comment. No changes have been made to the rule as a result of this comment.

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REGISTRATION****Division 700—Insurance Licensing
Chapter 1—Insurance Producers****ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and sections 375.016, 375.018, and 376.309, RSMo Supp. 2007, the director adopts a rule as follows:

**20 CSR 700-1.012 Variable Life and Variable Annuity Contract
Examination is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 76). 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.

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FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION****Division 700—Insurance Licensing
Chapter 1—Insurance Producers****ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 700-1.020 Transacting Business as an Insurance Producer
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 76-77). 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 was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing and in written comments, representatives of Kansas City Life Insurance Company, Old American Insurance Company, and Sunset Life Insurance Company of America made comments regarding the proposed amendment.

COMMENT #1: Gary Hoffman, on behalf of Kansas City Life Insurance Company, Old American Insurance Company, and Sunset Life Insurance Company of America, commented that the proposed amendment is overbroad and sets a standard for producer licensing that is beyond the requirements of governing statutes because the amendment would require licensing if there is a conversation relating to the terms of an insurance contract. Mr. Hoffman suggested (1)(C)2. be modified as follows: "Disseminating buyer's guides, applications for coverage, coverage selection forms, or other similar forms in response to a request from prospective or current policyholders, so long as the person who is disseminating such forms does not sell, solicit or negotiate insurance."

RESPONSE: The director disagrees with this comment. The director is permitted to clarify terms used in statutes. In this proposed amendment, the director is clarifying what activities are included in "solicitation" of an insurance contract. Discussing the terms of an insurance contract requires specialized knowledge such that, if an individual does not have the required knowledge, consumers may be harmed by misinformation. To avoid potential consumer harm, the director has defined "solicitation" to include the discussion of insurance contract terms. Thus, when a person discusses insurance contract terms, he or she engages in "solicitation" and must be licensed as an insurance producer. No changes have been made to the rule as a result of this comment.

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ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.025 Conduct of the Business of Insurance Over the Internet is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 77). 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.

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ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director rescinds a rule as follows:

20 CSR 700-1.030 Certification Letters Submitted with Insurance Producer's License Applications is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2008 (33 MoReg 77). 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.

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ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.040 Clearance Letters is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 77-78). 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 was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing, Property Casualty Insurers Association of America (PCI) made comments regarding the rule.

COMMENT #1: Harry Gallagher, on behalf of Property Casualty Insurers Association of America (PCI), commented that the rule would continue a paper regime for what should be an electronic transaction. Since the department will be using the National Association of Insurance Commissioners (NAIC) Producer Database, which can provide up to the minute license verification, the rule should be amended to require a letter of clearance only if the agent cannot be located on the NAIC Producer Database.

RESPONSE: Clearance letters are still required in some circumstances. No changes were made to the rule as a result of this comment.

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ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.100 Producer Service Agreements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 78–79). 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 was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing, the Missouri Association of Insurance Agents (MAIA) made comments regarding the rule.

COMMENT #1: Larry Case, on behalf of Missouri Association of Insurance Agents (MAIA), suggested that the department delete paragraph 2 of Exhibit A—Missouri Producer Service Agreement. RESPONSE: The comment is beyond the scope of the proposed amendment. No changes were made to the rule as a result of this comment.

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ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director rescinds a rule as follows:

20 CSR 700-1.110 Licensing of Business Entity Insurance Producers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2008 (33 MoReg 80). 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.

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ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.140 Minimum Standards of Competency and Trustworthiness for Insurance Producers Concerning Personal Insurance Transactions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 80–82). 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.

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ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.145 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 82). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing and in written comments, representatives MetLife American Council of Life Insurers (ACLI) and Primerica Life Insurance Company made comments regarding the rule.

COMMENT #1: C. Bryan Cox, on behalf of American Council of Life Insurers (ACLI) suggested that paragraph (1)(A)1. be modified to replace the word “switch” with “replacement.”

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this suggestion and has modified the rule accordingly.

COMMENT #2: Steven A. Reidich, on behalf of Primerica, commented that by removing the word “variable” in subsection (1)(A), the regulation will apply to all types of insurance, including annuities, long-term care, whole life, universal life, term, and group insurance. Mr. Reidich suggested that subsection (1)(A) be amended to read:

(A) Producers, in the conduct of variable life, annuity, and long-term care insurance shall observe high standards of commercial honor and just and equitable principles of trade. Implicit in a producer's relationship with customers is the fundamental responsibility of fair dealing. Practices that violate this responsibility of fair dealing include, but are not limited to, the following:

1. Inducing a replacement, exchange or switch of variable life, annuity, or long-term care insurance contract with insignificant benefit to the consumer, but for the purpose of accumulating commissions by the producer; and

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment, in part, and has modified the rule accordingly.

COMMENT #3: Bryan Cox, on behalf of ACLI, suggested the department adopt the National Association of Insurance Commissioners (NAIC) annuity replacement model regulation to accomplish more than the current "insignificant benefit" test in paragraph (1)(A)1.

RESPONSE: The director disagrees with this comment. The NAIC annuity replacement model regulation will accomplish no more than the proposed "insignificant benefit" test. No changes have been made in response to this comment.

20 CSR 700-1.145 Standards of Commercial Honor and Principles of Trade in Life, Annuity, and Long-Term Care Insurance Sales

(1) Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) Producers, in the conduct of variable life, annuity, and long-term care insurance business, shall observe high standards of commercial honor and just and equitable principles of trade. Implicit in a producer's relationship with customers is the fundamental responsibility of fair dealing. Practices that violate this responsibility of fair dealing include, but are not limited to, the following:

1. Inducing an exchange or replacement of variable life, annuity, or long-term care insurance contract with insignificant benefit to the consumer, but for the purpose of accumulating commissions by the producer; and
2. Causing the execution of transactions that are not authorized by customers or the sending of confirmations in order to cause customers to accept transactions not actually agreed upon; and

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 700—Insurance Licensing Chapter 1—Insurance Producers

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.040, 374.045, and 375.013, RSMo 2000 and sections 375.143 and 376.309.6, RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 700-1.146 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 82-84). Those sections with changes are reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing and in written comments, representatives of Kansas City Life Insurance Company, MetLife American Council of Life Insurers (ACLI), and National Association for Fixed Annuities made comments regarding the rule.

COMMENT #1: C. Bryan Cox, on behalf of American Council of Life Insurers (ACLI), Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, Kim O'Brien, on behalf of National Association for Fixed Annuities, Eric C. Dupont, on behalf of MetLife, and Mark Rhoads, on behalf of MetLife, expressed support for the National Association of Insurance Commissioners (NAIC) model rule on suitability that is already in effect in twenty-four (24) states. Mr. Cox noted that six (6) other states have an older NAIC model in effect.

RESPONSE: The director recognizes that many states have adopted a version of the NAIC model. However, the NAIC models do not address insurance-specific concerns. No changes were made to the rule as a result of this comment.

COMMENT #2: C. Bryan Cox, on behalf of ACLI, commented that life expectancy and health status do not apply to certain product underwriting, particularly deferred and immediate annuities. Those elements are not in the NAIC Suitability in Annuity Transactions Model Regulation and should not be in the state regulation.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #3: C. Bryan Cox, on behalf of ACLI, commented that the Financial Industry Regulatory Authority (FINRA) model, upon which the department's proposal is based, was written for variable annuities and does not work for fixed deferred annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and recognizes that variable annuities and fixed annuities are fundamentally different products, and different factors should be considered when determining whether or not a variable annuity or fixed annuity is suitable for the customer. The director has modified the rule to apply the FINRA model variable annuity standards that also apply to fixed annuities and eliminated those variable annuity standards that do not apply to fixed annuities.

COMMENT #4: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, and Kim O'Brien, on behalf of National Association for Fixed Annuities, commented that subsection (1)(B) disregards essential differences between insurance products which are securities and insurance products which are not securities. While subsection (1)(B) develops information valuable to securities sales, much of the rule is irrelevant to sales of fixed annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and recognizes that variable annuities and fixed annuities are fundamentally different products, and different factors should be considered when determining whether or not a variable annuity or fixed annuity is suitable for the customer. The director has modified the rule to apply the FINRA model variable annuity standards that also apply to fixed annuities and eliminated those variable annuity standards that do not apply to fixed annuities.

COMMENT #5: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that he is unsure of the meaning of "other covered annuities," and suggested deleting this phrase or

identifying the “other covered annuities” to which this section applies.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment. The director eliminated the term “covered annuity” from this rule as well as the definition of “covered annuity” in proposed rule 20 CSR 700-1.005.

COMMENT #6: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that the requirement in subsection (2)(C) to inquire about “life expectancy and health status” is problematic in that individuals generally do not know their life expectancies. Mr. Hoffman also commented that “health status” is vague and largely irrelevant in the sales of annuities and questioned the propriety of asking for specific health information when it is not needed to underwrite an application for the product.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #7: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that while a customer’s investment objectives and risk tolerance may be relevant to sales of indexed annuities, that information is not relevant to sales of fixed annuities. Mr. Hoffman suggested that the items listed in subparagraphs (1)(B)2.E. and (1)(B)2.F. not be applied to fixed annuity recommendations.

RESPONSE: The director disagrees with this comment. Information about a customer’s investment objectives and risk tolerance are relevant when selling a fixed annuity. Fixed annuity customers tend to be seeking a steady stream of income (an investment objective) and tend to be less risk tolerant. That information is crucial when deciding among various products. No changes have been made to this rule in response to this comment.

COMMENT #8: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that the information required in subparagraph (1)(B)2.G., “The customer’s investment, insurance and financial experience;” is not helpful in making a decision to buy a fixed deferred or immediate annuity.

RESPONSE AND EXPLANATION OF CHANGE: The director disagrees with this comment, because investment and insurance experience is crucial information when deciding among various products. However, the director has eliminated the phrase throughout the rule to be consistent with other states’ regulations.

COMMENT #9: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that he is uncertain what “financial experience” as distinct from “investment experience” and “insurance experience” in subparagraph (1)(B)2.G. is intended to mean.

RESPONSE: A customer’s experience may vary regarding investments and insurance. A customer’s sophistication regarding investment and insurance products will impact the suitability decision. No changes have been made as a result of this comment.

COMMENT #10: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that all subsections referred to “customer,” but is unsure whether “customer” refers to the applicant, proposed owner, or proposed annuitant when they are not all the same person.

RESPONSE: “Customer” applies to whomever the producer is making the recommendation. No changes have been made to the rule in response to this comment.

COMMENT #11: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that subsection (1)(C) applies to “all deferred annuities” and that the requirements of the subsection are not relevant equally to variable, indexed and fixed deferred annuities. Mr. Hoffman suggests that the section be further divided into either two (2) (variable and indexed deferred annuities and fixed

deferred annuities) or three (3) (variable, indexed, and fixed deferred annuities) subsections, which would contain requirements that are applicable to that particular type of annuity. Mr. Hoffman suggests that the following concepts should not apply to fixed deferred annuities: mortality and expense fees; investment components; market risk; and underlying subaccounts.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and recognizes that variable annuities and fixed annuities are fundamentally different products, and different factors should be considered when determining whether or not a variable annuity or fixed annuity is suitable for the customer. The director has modified the rule to apply the FINRA model variable annuity standards that also apply to fixed annuities and eliminated those variable annuity standards that do not apply to fixed annuities. The director has eliminated the concepts suggested by Mr. Hoffman.

COMMENT #12: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that the requirement that the producer have a reasonable basis to believe that the customer “would” benefit from the features of a deferred annuity in part (1)(C)1.A.(II) is an impossible standard. The most that can be stated with assurance at the time of sale is that these features are of benefit to most annuity purchasers. Mr. Hoffman suggests changing “would” to “can” or some similar term. Same comment for the “would” in part (1)(C)1.B.(II).

RESPONSE: The director disagrees with this comment. The language referenced is consistent with FINRA model language. A contracted benefit is still a benefit, though not yet realized. No changes have been made to the rule as a result of this comment.

COMMENT #13: Kim O’Brien, on behalf of National Association for Fixed Annuities, commented that if the department decides not to adopt the NAIC Suitability Model, the department should incorporate the NAIC Suitability Model provisions that acknowledge the unique differences between fixed and variable annuities for record keeping, suitability determination, and supervision, and to remove those that are in conflict or incongruent with the determination of suitability ad sales of fixed annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and recognizes that variable annuities and fixed annuities are fundamentally different products, and different factors should be considered when determining whether or not a variable annuity or fixed annuity is suitable for the customer. The director has modified the rule to apply the FINRA model variable annuity standards that also apply to fixed annuities and eliminated those variable annuity standards that do not apply to fixed annuities.

COMMENT #14: Eric C. Dupont, on behalf of MetLife, and C. Bryan Cox, on behalf of ACLI, commented that any rule the department adopts should not go beyond the National Association of Securities Dealers (NASD) FINRA rules 2310 and 2821.

RESPONSE AND EXPLANATION OF CHANGE: The director disagrees with this comment, in part. The director has modified the rule to incorporate the consumer suitability protections outlined in NASD FINRA 2821 relevant to deferred variable annuities that also apply to indexed annuities.

COMMENT #15: Eric C. Dupont, on behalf of MetLife, requested that the rule be clarified to require efforts to obtain information regarding life expectancy or health status only in connection with life insurance, not annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #16: Eric C. Dupont, on behalf of MetLife, commented that the term “covered annuity” be accompanied by a reference to 20 CSR 700-1.005(2)(C) to clarify what is considered a covered annuity by Missouri rules.

RESPONSE AND EXPLANATION OF CHANGE: The director disagrees with this comment, but has modified the rule to eliminate the term “covered annuity” to reduce confusion.

COMMENT #17: Eric C. Dupont, on behalf of MetLife, suggested that a reference be made to section 375.012, RSMo, to define the term “producer,” as it is used throughout the rule.

RESPONSE: The director agrees with this comment and has modified 20 CSR 700-1.005 to incorporate a definition for “producer” as suggested by Mr. Dupont.

COMMENT #18: Eric C. Dupont, on behalf of MetLife, commented as follows regarding part (1)(C)1.A.(I)—This section appears to follow FINRA rule 2821. However, rule 2821 applies these “recommendation requirements” to deferred variable annuities only. Extending these requirements to fixed products would impose new burdens on producers in developing their recommendations. The information this section would require to be considered in the recommendation to purchase or exchange a deferred annuity seems to have significant overlap with the suitability requirements contained elsewhere in the rule, as well as with 20 CSR 400-5.400 Replacement of Life Insurance and Annuities and 20 CSR 400-5.410 Disclosure of Material Facts in Annuity Sales. Given the vast amount of information that must be provided to consumers and numbers considerations that must be undertaken by producers, the department should coordinate the referenced rules with this rule to streamline the process.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule to eliminate much of the burden for fixed annuities.

COMMENT #19: Eric C. Dupont, on behalf of MetLife, commented that the department should consider the use of the Straight Through Processing (STP) system developed by National Association for Variable Annuities (NAVA) and whether STP can help in the efficiency and thoroughness of the information gathering and exchange that accompanies an annuity sale.

RESPONSE: The director considered the STP. The STP appears to apply to company oversight rather than producer recommendations. No changes have been made to the rule in response to this comment.

COMMENT #20: Eric C. Dupont, on behalf of MetLife, commented that the record keeping requirements of the NAIC Suitability in Annuity Transaction (SAT) model be used in Missouri because the proposed requirement will require a unique Missouri-only form to be produced, signed, and maintained by producers.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment in part and has modified the rule to eliminate the signature requirement.

COMMENT #21: C. Bryan Cox, on behalf of ACLI, commented that insurance producers should not be expected (nor do they have the expertise required) to evaluate a prospective client’s life expectancy and health condition.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #22: C. Bryan Cox, on behalf of ACLI, commented that the reference to “other covered annuities” in subsection (1)(B) heading is unclear. Mr. Cox recommended that the department delete that phrase in the subsection (1)(B) heading.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #23: C. Bryan Cox, on behalf of ACLI, recommended that the department delete subsection (1)(C) All Deferred Annuities, because of the confusion it creates with the other suitability requirements found in subsection (1)(A) Variable Annuities and Variable

Life Insurance, and subsection (1)(B) Fixed, Indexed or Other Covered Annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule to ease confusion over which standards apply to different products.

COMMENT #24: C. Bryan Cox, on behalf of ACLI, commented that section (2) Record Keeping should be replaced with the NAIC Model’s record keeping requirements.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment, in part, and has modified the rule to eliminate the signature requirement. Such modification is more consistent with the NAIC model rule record keeping requirements.

20 CSR 700-1.146 Recommendations of Annuities or Variable Life Insurance to Customers (Suitability)

(1) The standards of conduct codified in this rule reflect the professionalism of a licensed insurance producer. Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) Variable Annuities and Variable Life Insurance.

1. In recommending to an individual customer the purchase, sale, or exchange of any variable life or variable annuity product, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his other investment holdings and as to his financial situation and needs.

2. Prior to the execution of a variable life or variable annuity transaction recommended to an individual customer, a producer shall make reasonable efforts to obtain information concerning—

A. The customer’s financial status, including annual income, financial situation and needs, and existing assets;

B. The customer’s tax status;

C. The customer’s financial objectives, including investment objectives, reasonably anticipated income needs, and risk tolerance;

D. The customer’s investment time horizon, liquid net worth, and current and reasonably anticipated needs for liquidity; and

E. Such other information used or considered to be reasonable by such producer in making recommendations to the customer.

3. No producer shall recommend to any customer the purchase or exchange of any deferred variable annuity, unless the producer has a reasonable basis to believe:

A. That the transaction is suitable in accordance with this rule and, in particular, that there is a reasonable basis to believe that—

(I) The customer has been informed, in general terms, of various features of deferred variable annuities, such as the potential surrender period and surrender charge; potential tax penalty if the customer sells or redeems deferred variable annuities before reaching the age of fifty-nine and one half (59½); mortality and expense fees; investment advisory fees; potential charges for and features of riders; the benefit and investment components of deferred variable annuities; and market risk;

(II) The customer would benefit from certain features of deferred variable annuities, such as tax-deferred growth, annuitization, or a death or living benefit; and

(III) The particular deferred variable annuity as a whole, the underlying subaccounts to which funds are allocated at the time of the purchase or exchange of the deferred variable annuity, and riders and similar product enhancements, if any, are suitable (and, in the case of an exchange, the transaction as a whole also is suitable) for the particular customer based on the information required by this rule; and

B. In the case of an exchange of a deferred variable annuity, the exchange also is consistent with the suitability determination required by subparagraph (1)(A)3.A. of this rule, taking into consideration whether—

(I) The customer would incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits (such as death, living, or other contractual benefits), or be subject to increased fees or charges (such as mortality and expense fees, investment advisory fees, or charges for riders and similar product enhancements);

(II) The customer would benefit from product enhancements and improvements; and

(III) The customer's account has had another deferred annuity exchange within the preceding thirty-six (36) months.

4. Interpretation of subsection (1)(A) of this rule shall be guided by judicial and administrative opinions and decisions construing substantially similar requirements of the Financial Industry Regulatory Authority (FINRA) or its predecessor organizations.

(B) Indexed Annuities.

1. In recommending to an individual customer the purchase, sale, or exchange of a indexed annuity, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his or her insurance and investment holdings and as to his or her current and reasonably anticipated financial situation and needs.

2. Prior to the execution of an indexed annuity transaction recommended to an individual customer, a producer shall make reasonable efforts to obtain information concerning—

A. The customer's financial status, including annual income, financial situation and needs, and existing assets;

B. The customer's tax status;

C. The customer's financial objectives, including investment objectives, reasonably anticipated income needs, and risk tolerance;

D. The customer's investment time horizon, liquid net worth, and current and reasonably anticipated needs for liquidity; and

E. Such other information used or considered to be reasonable by such producer in making recommendations to the customer.

3. No producer shall recommend to any customer the purchase or exchange of a deferred indexed annuity unless the producer has a reasonable basis to believe:

A. That the transaction is suitable in accordance with this rule and, in particular, that there is a reasonable basis to believe that—

(I) The customer has been informed, in general terms, of various features of deferred indexed annuities, such as the potential surrender period and surrender charge; potential tax penalty if a customer sells or redeems deferred indexed annuities before reaching the age of fifty-nine and one half (59½); mortality and expense fees; potential charges for and features of riders; the benefit and accumulation components of deferred indexed annuities; and market risk;

(II) The particular deferred indexed annuity as a whole, the underlying accumulation provisions and riders and similar product enhancements, if any, are suitable (and, in the case of an exchange, the transaction as a whole also is suitable) for the particular customer based on the information required by this rule; and

B. In the case of an exchange of a deferred indexed annuity, the exchange also is consistent with the suitability determination required by subparagraph (1)(B)3.A. of this rule, taking into consideration whether—

(I) The customer would incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits (such as death, living, or other contractual benefits), or be subject to increased fees or charges (such as mortality and expense fees, investment advisory fees, or charges for riders and similar product enhancements);

(II) The customer would benefit from product enhancements and improvements; and

(III) The customer's account has had another deferred indexed annuity exchange within the preceding thirty-six (36) months.

(C) Fixed Annuities.

1. In recommending to an individual customer the purchase, sale, or exchange of a fixed annuity, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his or her insurance and investment holdings and as to his or her current and reasonably anticipated financial situation and needs.

2. Prior to the execution of a fixed annuity transaction recommended to an individual customer, a producer shall make reasonable efforts to obtain information concerning—

A. The customer's financial status, including annual income, financial situation and needs, and existing assets;

B. The customer's tax status;

C. The customer's financial objectives, including investment objectives, reasonably anticipated income needs, and risk tolerance;

D. The customer's investment time horizon, liquid net worth, and current and reasonably anticipated needs for liquidity; and

E. Such other information used or considered to be reasonable by such producer in making recommendations to the customer.

(2) The standards of conduct in this rule shall not apply to the following:

(A) Unless a producer is making a recommendation to an individual plan participant, any annuity used to fund—

1. An employee pension or welfare benefit plan that is covered by the Employee and Retirement Income Security Act (ERISA);

2. Any tax-qualified, employer sponsored retirement or benefit plan that meets the requirements of *Internal Revenue Code*, Sections 401(a), 401(k), 403(b), 408(k), or 408(p);

3. Any government or church plan that meets the requirements of *Internal Revenue Code*, Section 414;

4. Any government or church welfare benefit plan, or any deferred compensation plan of a state or local government or tax exempt organization, that meets the requirements of *Internal Revenue Code*, Section 457; or

5. Any nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor; or

(B) Any annuity transaction used to fund settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process.

(3) Record Keeping. The determinations required by this rule shall be documented by the producer recommending the transaction.

(4) No person shall materially aid any other person in any violation or failure to comply with any standard set forth in this rule.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and section 375.143, RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 700-1.147 Reasonable Supervision in Variable Life and Variable Annuity Sales is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 85-88). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.040, 374.045, and 375.013, RSMo 2000 and section 375.143, RSMo Supp. 2007, the director adopts a rule as follows:

20 CSR 700-1.152 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 91). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed rule and made comments in support of the proposed rule and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Council of Life Insurers (ACLI) made comments regarding the rule.

COMMENT #1: C. Bryan Cox, Miriam Krol, and Amanda K. Matthiesen, on behalf of American Council of Life Insurers (ACLI), commented that Missouri already has a long-term care suitability rule in 20 CSR 400-4.100 and does not need additional suitability rules.

RESPONSE: The director agrees that 20 CSR 400-4.100 addresses suitability, but it only requires companies develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the customer. The current rule focuses on a customer's ability to pay and fails to address various other factors that affect suitability. The director believes the rule, as modified, effectively incorporates the information currently embodied in the suitability worksheet referenced in 20 CSR 400-4.100, or is otherwise generally necessary for a producer to have reasonable grounds to believe a recommendation of a long-term care contract is suitable for the customer. No changes have been made to the rule as a result of this comment.

COMMENT #2: Miriam Krol and Amanda K. Matthiesen, on behalf of ACLI, commented that some of the information required by the proposed rule may conflict with concerns about privacy and identity theft.

RESPONSE: The producer would have significant duties to protect the identity of the customer and any financial information gathered in documenting the suitability of the recommendation, but that responsibility is not justification to avoid the duty to have reasonable grounds to believe a recommendation is suitable. No changes have been made to the rule as a result of this comment.

COMMENT #3: Miriam Krol and Amanda K. Matthiesen, on behalf of ACLI, commented that the proposed rule may adversely impact direct sales, Internet sales, worksite sales, and employer sales because member companies believe that employers may have con-

cerns about requiring employees to disclose financial and personal information.

RESPONSE: If direct sales, Internet sales, and employer sales involve producers, then the conduct rule outlined in 20 CSR 700-1.145 Standards of Commercial Honor and Principles of Trade in Life, Annuity and Long-Term Care Insurance Sales applies. No changes have been made to the rule as a result of this comment.

COMMENT #4: The director received numerous comments encouraging the department to promulgate a rule that is more consistent with other states' regulations.

RESPONSE AND EXPLANATION OF CHANGE: The director has amended this rule to delete the customer's insurance objectives, investment objectives and investment and insurance experience as suitability considerations.

20 CSR 700-1.152 Recommendations of Long-Term Care Insurance to Customers (Suitability)

(1) The professional standards of conduct codified in this rule reflect standards of a licensed insurance producer. Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) Long-Term Care Insurance.

1. In recommending to an individual customer the purchase, sale, or exchange of a long-term care insurance contract, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his insurance and investments and as to his current and reasonably anticipated financial situation and needs.

2. Prior to the execution of a long-term care insurance transaction recommended to an individual customer, a producer shall make reasonable efforts to obtain information concerning—

- A. The customer's financial status, including annual income, financial situation and needs, and existing assets;
- B. The customer's tax status;
- C. The customer's financial objectives;
- D. The customer's long-term care objectives; and
- E. Such other information used or considered to be reasonable by such producer in making recommendations to the customer;

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 2—Public Adjusters and Public Adjuster
Solicitors**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 700-2.005 Scope and Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 93). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 2—Public Adjusters and Public Adjuster
Solicitors**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 325.050 and 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-2.100 Public Adjusters is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 93-94). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 2—Public Adjusters and Public Adjuster
Solicitors**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 325.050 and 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-2.300 Public Adjuster Contracts is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 94). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 3—Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-3.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2,

2008 (33 MoReg 94-96). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing, representatives of the Missouri Association of Insurance Agents (MAIA) made comments regarding the rule.

COMMENT #1: Larry Case, on behalf of Missouri Association of Insurance Agents (MAIA), commented that the ethics requirement should not be enforced until January 1, 2009.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this suggestion and has modified the rule accordingly.

COMMENT #2: Larry Case, on behalf of MAIA, commented that the department should reconsider automatic approval of Missouri Bar-approved continuing legal education because many Missouri Bar-approved courses do not relate to insurance.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and will modify the rule accordingly.

20 CSR 700-3.200 Continuing Education

(2) Beginning January 1, 2009, of those hours of continuing education required by section 375.010.1, RSMo, insurance producers licensed in any of the lines of authority designated in sections 375.018.1(1) through (6), RSMo, must complete three (3) hours of instruction covering ethics, Missouri law, and producer duties and obligations to the department during any two (2)-year licensure period. Courses on ethics, laws, and duties must be approved as such by the director to be eligible for meeting this requirement.

(3) Courses by Approved Professional Organizations. In addition to those programs of instruction designated in section 375.020.2, RSMo as meeting the director's standards for continuing education requirements, courses taken as part of the following programs of study or courses approved by the enumerated professional organizations are deemed to meet the same:

(H) Missouri Bar Association-approved continuing legal education relating to insurance.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 4—Utilization Review**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.515, RSMo 2000 and section 376.1399, RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 700-4.100 Utilization Review is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 96). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.100 Applications, Fees and Renewals—Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 96-97). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.150 Initial Basic Training for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 97). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.160 Continuing Education for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 97-98). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.170 Change of Status Notification for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 98). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.200 Assignment and Acknowledgement
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 98-99). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.250 Assignment of Additional Assets **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 99). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.300 Affidavits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 99). 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 7—Reinsurance Intermediary**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-7.100 Reinsurance Intermediary License **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 99–100). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This pro-

posed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

FISCAL YEAR 2008 BUDGET PLAN

PURPOSE: This proposed budget is filed in compliance with the provisions of section 323.020.10, RSMo Supp. 2007 which require the Missouri Propane Gas Commission to prepare and submit for public comment a budget plan.

ASSESSMENT INCOME:

Estimated Collections: (two months at 1/10 cent)	\$12,000
Missouri Propane Gas Association (MPGA) loan:	\$15,000
Estimated Interest:	\$ 0
Total Income:	\$27,000

EXPENSES:

PROGRAMS:

Mailings:	\$1,000
National Fire Protection Association (NFPA) Seminar:	\$1,500

ADMINISTRATIVE EXPENSES:

Computer Expenses:	\$10,000
Data Review:	\$ 2,500
Board expenses:	\$ 1,000
Office Furniture:	\$ 2,500
Personnel Hiring Expenses:	\$ 1,500
Data Transfer from Missouri Department of Agriculture (MDA):	\$ 1,000
Part-time help:	\$ 3,500
Phones/fax/Internet:	\$ 2,500
Total Expenses:	\$27,000

AUTHORITY: section 323.020.10, RSMo Supp. 2007.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of, or in opposition to, this proposed budget with the Missouri Department of Agriculture, Weights and Measures, Kurt Valentine, PO Box 630, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

FISCAL YEAR 2009 BUDGET PLAN

PURPOSE: This proposed budget is filed in compliance with the provisions of section 323.020.10, RSMo Supp. 2007 which require the Missouri Propane Gas Commission to prepare and submit for public comment a budget plan.

ASSESSMENT INCOME:

Estimated Collections: (two months at 2/10 cent)	\$580,000
Total Income:	\$580,000

EXPENSES:

Personal Services:	\$300,000
Expense and Equipment	\$209,800
Total Expenses:	\$509,800

AUTHORITY: section 323.020.10, RSMo Supp. 2007.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of, or in opposition to, this proposed budget with the Missouri Department of Agriculture, Weights and Measures, Kurt Valentine, PO Box 630, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

IN ADDITION

Notification: Applications Accepted for Regular Energy-Efficiency Loan Cycle

The Energy Center, through the Energy Revolving Fund, provides loans to public schools, universities, colleges, cities, counties, public hospitals and water treatment plants to help reduce energy costs. This loan financing may be used for various energy-saving investments, including projects such as upgrading insulation, lighting systems, heating and cooling systems, windows and other items that affect your energy use.

Loan recipients will benefit from increased occupant comfort in their buildings and reduced energy costs. This loan financing also frees up tax dollars that school districts, higher education facilities and local governments can use for essential services or other capital improvements. Loan recipients repay the loan with money saved on energy costs as a result of implementing the energy-efficiency projects. These loans are not defined as debt. Thus, this loan financing does not count against debt limits or require a public vote or bond issuance.

Application Procedures

This is the announcement of the beginning of a new regular energy loan cycle. To apply for a loan, eligible entities must submit a completed application form to the department during an open application cycle. **Applications will be accepted between June 1, 2008 and October 15, 2008. This is a competitive loan cycle. New loan agreements will be awarded by December 31, 2008.**

For this competitive loan cycle, the Department of Natural Resources has \$3.8 million available for energy-efficiency loan projects. Each applicant may apply for a loan not to exceed \$1 million. If sufficient funds remain after review of all loan applications and priority ranking of loan applications, the department will consider awarding loans in excess of \$1 million to applicants who may desire larger loans and for which the project is expected to achieve adequate energy savings to support a larger loan. Loans will be awarded for a term not to exceed fifteen (15) years.

Loan funds will be allocated to eligible sectors as follows:

Public Schools (K-12) fifty percent (50%) of available funds;
City and County Governments twenty-five percent (25%) of available funds; and
Public Higher Education Institutions twenty-five percent (25%) of available funds.

If excess funds remain in any sector, the Energy Center may allocate them to other sectors. The loan recipients will be determined on a competitive basis. To determine which applicants will receive funding, applications will be ranked based on project payback, which will be determined by dividing the cost to implement a project by the estimated yearly energy cost savings. Projects with the lowest payback score in each sector allocation will be funded until all available funds are allocated. In case of identical payback scores, the eligible applicant with the highest percentage total of British thermal unit (BTU) savings will receive funding. Any applicant with ongoing enforcement issues with the Department of Natural Resources will be disqualified.

Interest Rates

Because of the dynamics in today's financial markets and to provide our applicants with below-market borrowing costs, the department is implementing a new method for establishing loan interest rates. Interest rates for these loans will be established in early December and will be set one-half of one percent below the 20-Bond Index interest rate. This index is an average of twenty (20) municipal general obligation bonds with a rating of approximately Aa2. The 20-Bond Index interest rate is published weekly by the *The Bond Buyer*, a newspaper of public finance. This index will serve as the benchmark against which interest rates for the Energy Center's energy-efficiency loans will be set. For example, the 20-Bond Index interest rate for the week of April 28, 2008, is 4.68 percent. If the Energy Center were preparing loan agreements this week, the interest rate for all loans would be 4.18 percent.

Examples of Past Projects Funded Through the Energy Revolving Fund

Since the Energy Revolving Funds was initiated in 1989, the Energy Center has made four hundred seventy-eight (478) loans to finance more than eighty (80) million dollars in energy-efficiency projects being completed and more than one hundred forty-six (146) million dollars in cumulative energy savings. Examples of recently completed projects are:

Location	Project	Construction Amount
Halfway R-III School District	Installed new ballfield lights	\$13,724
Eminence R-I School District	Upgraded heating plant, installed insulation and programmable thermostats	\$28,117
Carroll County Courthouse	Installed new windows	\$32,020
La Plata R-II School District	Upgraded lighting, installed windows and insulation	\$93,123
Forsyth R-III School District	Upgraded lighting	\$164,947
Lebanon R-III School District	Installed ground-source heat pump	\$230,504
Jefferson City School District	Upgraded lighting and heating plant	\$618,953
Mineral Area College	Upgraded lighting and HVAC system	\$1,132,216
Nevada Regional Medical Center	Upgraded HVAC system and installed windows	\$1,317,683

For More Information Contact:

www.dnr.mo.gov/energy

Missouri Department of Natural Resources Energy Center
PO Box 176
Jefferson City, MO 65102-0176
Jefferson City 573-751-3443 or 1-800-361-4827
Kansas City 816-759-7313, ext. 2263
St. Louis 314-416-2960

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

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for August 4, 2008. These applications are available for public inspection at the address shown below:

Date Filed

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

05/22/08

#4189 RS: Sunrise of Webster Groves
Webster Groves (St. Louis County)
\$22,130,823, Establish 132-bed assisted living facility (ALF)

05/23/08

#4224 RS: St. Jude Meadows
Dixon (Pulaski County)
\$750,000, Establish 24-bed ALF

#4216 HS: St. John's Health System
Springfield (Greene County)
\$1,650,000, Acquire robotic surgery system

#4213 RS: Fountain View
St. Louis (St. Louis County)
\$3,885,221, Add 60 ALF beds

#4218 NS: J-S Northland
Kansas City (Platte County)
\$10,054,389, Establish 80-bed skilled nursing facility

#4219 RS: J-S Northland
Kansas City (Platte County)
\$10,862,401, Establish 90-bed ALF

#4223 FS: St. Louis Urology
St. Louis (St. Louis County)
\$1,115,385, Replace linear accelerator

#4217 HS: Lester E. Cox Medical Centers
Springfield (Greene County)
\$1,650,000, Acquire robotic surgery system

#4215 HS: Freeman Health System
Joplin (Newton County)
\$1,783,338, Acquire additional magnetic resonance imager (MRI)

#4222 HS: Moberly Regional Medical Center
Moberly (Randolph County)
\$1,875,000, Replace MRI

#4220 HS: MO Baptist Medical Center/Sunset Hills
Sunset Hills (St. Louis County)
\$1,382,311, Replace MRI

#4225 HS: Parkland Health Center
Farmington (St. Francois County)
\$1,382,311, Replace MRI

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by June 26, 2008. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

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

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

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for June 23, 2008. These applications are available for public inspection at the address shown below:

Date Filed

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

04/16/08

#4201 RP: Ozark Manor
Fredericktown (Madison County)
\$508,800, LTC bed expansion through the purchase of 12 residential care facility beds from Independence Square Residential Care Center, Perryville (Perry County)

#4202 NP: Carmel Hills Healthcare and Rehabilitation Center
Independence (Jackson County)
\$740,000, LTC bed expansion through the purchase of 38 skilled nursing facility beds from Hannibal Regional Hospital, Hannibal (Marion County)

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by June 12, 2008. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

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

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

NOTICE OF DISSOLUTION AND WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
GRANVILLE, L.P.

On 4/30/2008, GRANVILLE, L.P., a Missouri limited partnership, was dissolved upon the filing of a Certificate of Cancellation with the Secretary of State.

Said partnership requests that all persons and organizations who have claims against it present them immediately by letter to: Christopher E. Erblich, Esq., Husch Blackwell Sanders LLP, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105. All claims must include the claimant's name, address and telephone number, the amount, date and basis for the claim.

ANY CLAIMS AGAINST GRANVILLE, L.P. WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE LAST PUBLICATION DATE OF THE NOTICES AUTHORIZED BY STATUTE.

NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
FLORSHEIM PROPERTIES, LLC

On April 21, 2008, Florsheim Properties, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Secretary of State of Missouri. The Company requests that any and all claims against the Company be presented by letter to the Company in care of Joseph A. Wotka, 929 Demun, St. Louis, Missouri 63105. Each claim against the Company must include the following information: the name, the address and telephone number of the claimant; the amount of the claim; the date on which the claim arose; a brief description of the nature of or the basis for the claim; and any documentation related to the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-9.010	Commissioner of Administration		33 MoReg 407	33 MoReg 1087	
1 CSR 10-11.010	Commissioner of Administration		33 MoReg 5R 33 MoReg 5	33 MoReg 989R 33 MoReg 989	
1 CSR 10-11.020	Commissioner of Administration		33 MoReg 7	33 MoReg 990	
1 CSR 10-11.030	Commissioner of Administration		33 MoReg 7	33 MoReg 1087	
1 CSR 30-2.010	Division of Facilities Management, Design and Construction		32 MoReg 2467R	33 MoReg 990R	
1 CSR 30-2.020	Division of Facilities Management, Design and Construction		32 MoReg 2467R 32 MoReg 2468	33 MoReg 991R 33 MoReg 991	
1 CSR 30-2.030	Division of Facilities Management, Design and Construction		32 MoReg 2468R 32 MoReg 2469	33 MoReg 991R 33 MoReg 991	
1 CSR 30-2.040	Division of Facilities Management, Design and Construction		32 MoReg 2470R 32 MoReg 2470	33 MoReg 991R 33 MoReg 991	
1 CSR 30-2.050	Division of Facilities Management, Design and Construction		32 MoReg 2473R 32 MoReg 2473	33 MoReg 992R 33 MoReg 992	
1 CSR 30-3.010	Division of Facilities Management, Design and Construction		32 MoReg 2473R 32 MoReg 2473	33 MoReg 992R 33 MoReg 992	
1 CSR 30-3.020	Division of Facilities Management, Design and Construction		32 MoReg 2474R 32 MoReg 2474	33 MoReg 992R 33 MoReg 993	
1 CSR 30-3.025	Division of Facilities Management, Design and Construction		32 MoReg 2476	33 MoReg 993	
1 CSR 30-3.030	Division of Facilities Management, Design and Construction		32 MoReg 2480R 32 MoReg 2481	33 MoReg 993R 33 MoReg 994	
1 CSR 30-3.035	Division of Facilities Management, Design and Construction		32 MoReg 2483	33 MoReg 994	
1 CSR 30-3.040	Division of Facilities Management, Design and Construction		32 MoReg 2484R 32 MoReg 2484	33 MoReg 995R 33 MoReg 995	
1 CSR 30-3.050	Division of Facilities Management, Design and Construction		32 MoReg 2487R 32 MoReg 2487	33 MoReg 995R 33 MoReg 995	
1 CSR 30-3.060	Division of Facilities Management, Design and Construction		32 MoReg 2488R 32 MoReg 2488	33 MoReg 996R 33 MoReg 996	
1 CSR 30-4.010	Division of Facilities Management, Design and Construction		32 MoReg 2489R 32 MoReg 2490	33 MoReg 996R 33 MoReg 996	
1 CSR 30-4.020	Division of Facilities Management, Design and Construction		32 MoReg 2490R 32 MoReg 2490	33 MoReg 996R 33 MoReg 996	
1 CSR 30-4.030	Division of Facilities Management, Design and Construction		32 MoReg 2492R 32 MoReg 2492	33 MoReg 997R 33 MoReg 997	
1 CSR 30-4.040	Division of Facilities Management, Design and Construction		32 MoReg 2493R 32 MoReg 2493	33 MoReg 997R 33 MoReg 997	
1 CSR 30-5.010	Division of Facilities Management, Design and Construction		32 MoReg 2495R 32 MoReg 2495	33 MoReg 997R 33 MoReg 998	
1 CSR 70-1.010	Missouri Assistive Technology Advisory Council (<i>Changed to 5 CSR 110-1.010</i>)		33 MoReg 194	33 MoReg 1089	
1 CSR 70-1.020	Missouri Assistive Technology Advisory Council (<i>Changed to 5 CSR 110-1.020</i>)		33 MoReg 197	33 MoReg 1090	
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-2.040	Animal Health		33 MoReg 717		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
2 CSR 70-40.015	Plant Industries		33 MoReg 627		
2 CSR 70-40.017	Plant Industries		33 MoReg 628		
2 CSR 70-40.025	Plant Industries		33 MoReg 628		
2 CSR 70-40.040	Plant Industries		33 MoReg 629		
2 CSR 70-40.055	Plant Industries		33 MoReg 630R		
2 CSR 90-10	Weight and Measures				This Issue
2 CSR 90-30.040	Weights and Measures	33 MoReg 399			
2 CSR 110-2.010	Office of the Director		32 MoReg 1909		
2 CSR 110-3.010	Office of the Director	33 MoReg 311	32 MoReg 1170	33 MoReg 101	
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		33 MoReg 1073		
3 CSR 10-5.205	Conservation Commission		33 MoReg 907		
3 CSR 10-5.220	Conservation Commission		33 MoReg 907		
3 CSR 10-7.432	Conservation Commission		N.A.	33 MoReg 1087	
3 CSR 10-7.433	Conservation Commission		N.A.	33 MoReg 1088	
3 CSR 10-7.435	Conservation Commission		N.A.	33 MoReg 1088	
3 CSR 10-7.437	Conservation Commission		N.A.	33 MoReg 1088	
3 CSR 10-7.455	Conservation Commission		N.A.	33 MoReg 261	33 MoReg 276
3 CSR 10-11.180	Conservation Commission		32 MoReg 2143	33 MoReg 263	33 MoReg 685
3 CSR 10-12.109	Conservation Commission		33 MoReg 1075		
3 CSR 10-12.135	Conservation Commission		33 MoReg 1075		
3 CSR 10-12.140	Conservation Commission		33 MoReg 1076		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 240-3.162	Public Service Commission		32 MoReg 2340	33 MoReg 998	
4 CSR 240-18.010	Public Service Commission		This Issue		
4 CSR 240-20.091	Public Service Commission		32 MoReg 2354	33 MoReg 1009	
4 CSR 240-23.010	Public Service Commission		33 MoReg 407	This Issue	
4 CSR 240-23.020	Public Service Commission		33 MoReg 8	33 MoReg 930	
4 CSR 240-23.030	Public Service Commission		33 MoReg 18	33 MoReg 930	
4 CSR 240-31.050	Public Service Commission		33 MoReg 26	33 MoReg 931	
4 CSR 240-33.160	Public Service Commission		33 MoReg 522		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-270.010	Division of School Improvement		33 MoReg 436		
5 CSR 50-320.010	Division of School Improvement		33 MoReg 30R	33 MoReg 932R	
5 CSR 50-340.050	Division of School Improvement		33 MoReg 439		
5 CSR 60-100.020	Division of Career Education		33 MoReg 30	33 MoReg 932	
5 CSR 60-120.010	Division of Career Education		N.A.	This Issue	
5 CSR 80-631.010	Teacher Quality and Urban Education		33 MoReg 1076R		
5 CSR 80-800.200	Teacher Quality and Urban Education		33 MoReg 525		
5 CSR 80-800.220	Teacher Quality and Urban Education		33 MoReg 526		
5 CSR 80-800.230	Teacher Quality and Urban Education		33 MoReg 526		
5 CSR 80-800.260	Teacher Quality and Urban Education		33 MoReg 527		
5 CSR 80-800.270	Teacher Quality and Urban Education		33 MoReg 527		
5 CSR 80-800.280	Teacher Quality and Urban Education		33 MoReg 527		
5 CSR 80-800.285	Teacher Quality and Urban Education		33 MoReg 974		
5 CSR 80-800.350	Teacher Quality and Urban Education		33 MoReg 528		
5 CSR 80-800.360	Teacher Quality and Urban Education		33 MoReg 528		
5 CSR 80-800.380	Teacher Quality and Urban Education		33 MoReg 529		
5 CSR 80-850.045	Teacher Quality and Urban Education		33 MoReg 529R		
			33 MoReg 530		
5 CSR 80-860.050	Teacher Quality and Urban Education		33 MoReg 535		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing	33 MoReg 312	33 MoReg 323	33 MoReg 1019	
5 CSR 110-1.010	Missouri Assistive Technology Advisory Council (<i>Changed from 1 CSR 70-1.010</i>)		33 MoReg 194	33 MoReg 1089	
5 CSR 110-1.020	Missouri Assistive Technology Advisory Council (<i>Changed from 1 CSR 70-1.020</i>)		33 MoReg 197	33 MoReg 1090	
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-10.010	Commissioner of Higher Education		33 MoReg 197	33 MoReg 932	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.150	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-4.140	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.250	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-6.020	Air Conservation Commission		33 MoReg 630		
10 CSR 10-6.070	Air Conservation Commission		33 MoReg 908		
10 CSR 10-6.075	Air Conservation Commission		33 MoReg 909		
10 CSR 10-6.080	Air Conservation Commission		33 MoReg 910		
10 CSR 10-6.220	Air Conservation Commission		33 MoReg 643		
10 CSR 20-4.010	Clean Water Commission		33 MoReg 198		
10 CSR 20-6.010	Clean Water Commission		This Issue		
10 CSR 20-6.300	Clean Water Commission		This Issue		
10 CSR 20-7.031	Clean Water Commission		33 MoReg 205		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 140-2	Division of Energy				33 MoReg 1103 This Issue
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 40-7.010	Division of Fire Safety	33 MoReg 967	33 MoReg 976		
11 CSR 45-4.050	Missouri Gaming Commission		33 MoReg 41R	This Issue	
DEPARTMENT OF REVENUE					
12 CSR 10-23.395	Director of Revenue		32 MoReg 323R	33 MoReg 1019R	
12 CSR 10-26.010	Director of Revenue		This Issue		
12 CSR 10-26.020	Director of Revenue		33 MoReg 324	33 MoReg 1019	
12 CSR 10-26.040	Director of Revenue		This Issue		
12 CSR 10-26.060	Director of Revenue		33 MoReg 324	33 MoReg 1019	
12 CSR 10-26.210	Director of Revenue		This Issue		
12 CSR 10-41.010	Director of Revenue	32 MoReg 2327	32 MoReg 2367	33 MoReg 681	
12 CSR 30-1.010	State Tax Commission		33 MoReg 325	33 MoReg 1019	
12 CSR 30-1.020	State Tax Commission		33 MoReg 325	33 MoReg 1019	
12 CSR 30-2.021	State Tax Commission		33 MoReg 326	33 MoReg 1020	
12 CSR 30-3.010	State Tax Commission		33 MoReg 326	33 MoReg 1020	
12 CSR 30-4.010	State Tax Commission		33 MoReg 327	33 MoReg 1020	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 30-4.010	Child Support Enforcement		33 MoReg 1078R		
13 CSR 70-3.100	Division of Medical Services		33 MoReg 328	33 MoReg 1020	
13 CSR 70-3.170	MO HealthNet Division		33 MoReg 785		
13 CSR 70-3.190	Division of Medical Services		33 MoReg 329		
13 CSR 70-4.080	Division of Medical Services		33 MoReg 542		
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-5.010	MO HealthNet Division		33 MoReg 545		
13 CSR 70-15.020	MO HealthNet Division		33 MoReg 545		
13 CSR 70-45.010	MO HealthNet Division		33 MoReg 789		
13 CSR 70-92.010	Division of Medical Services		33 MoReg 213	33 MoReg 1091	
13 CSR 70-95.010	Division of Medical Services		33 MoReg 217	33 MoReg 1020	
13 CSR 70-97.010	MO HealthNet Division		33 MoReg 548		
ELECTED OFFICIALS					
15 CSR 30-51.170	Secretary of State		33 MoReg 910		
15 CSR 30-51.172	Secretary of State		33 MoReg 913		
RETIREMENT SYSTEMS					
16 CSR 20-2.010	Missouri Local Government Employees' Retirement System (LAGERS)		33 MoReg 723		
16 CSR 20-2.015	Missouri Local Government Employees' Retirement System (LAGERS)		33 MoReg 724		
16 CSR 50-2.110	The County Employees' Retirement Fund		33 MoReg 333	33 MoReg 1020	
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.025	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		This Issue		
PUBLIC DEFENDER COMMISSION					
18 CSR 10-2.010	Office of State Public Defender		33 MoReg 333	This Issue	
18 CSR 10-4.010	Office of State Public Defender	33 MoReg 313	33 MoReg 334	This Issue	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 30-20.125	Division of Regulation and Licensure		33 MoReg 550		
19 CSR 30-82.010	Division of Regulation and Licensure		33 MoReg 790		
19 CSR 30-83.010	Division of Regulation and Licensure		33 MoReg 792		
19 CSR 30-84.020	Division of Regulation and Licensure		33 MoReg 793		
19 CSR 30-84.030	Division of Regulation and Licensure		33 MoReg 798		
19 CSR 30-85.022	Division of Regulation and Licensure		33 MoReg 812		
19 CSR 30-85.032	Division of Regulation and Licensure		33 MoReg 817		
19 CSR 30-86.012	Division of Regulation and Licensure		33 MoReg 819		
19 CSR 30-86.022	Division of Regulation and Licensure		33 MoReg 820		
19 CSR 30-86.032	Division of Regulation and Licensure		33 MoReg 827		
19 CSR 30-86.045	Division of Regulation and Licensure		33 MoReg 829		
19 CSR 30-86.047	Division of Regulation and Licensure		33 MoReg 830		
19 CSR 30-88.010	Division of Regulation and Licensure		33 MoReg 836		
19 CSR 60-50	Missouri Health Facilities Review Committee				This Issue
19 CSR 73-2.015	Missouri Board of Nursing Home Administrators		33 MoReg 334		
19 CSR 73-2.020	Missouri Board of Nursing Home Administrators		33 MoReg 338		
19 CSR 73-2.025	Missouri Board of Nursing Home Administrators		33 MoReg 338		
19 CSR 73-2.031	Missouri Board of Nursing Home Administrators		33 MoReg 339		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		33 MoReg 339		
19 CSR 73-2.051	Missouri Board of Nursing Home Administrators		33 MoReg 341		
19 CSR 73-2.053	Missouri Board of Nursing Home Administrators		33 MoReg 341		
19 CSR 73-2.055	Missouri Board of Nursing Home Administrators		33 MoReg 342		
19 CSR 73-2.060	Missouri Board of Nursing Home Administrators		33 MoReg 342		
19 CSR 73-2.070	Missouri Board of Nursing Home Administrators		33 MoReg 343		
19 CSR 73-2.080	Missouri Board of Nursing Home Administrators		33 MoReg 343		
19 CSR 73-2.085	Missouri Board of Nursing Home Administrators		33 MoReg 344		
19 CSR 73-2.090	Missouri Board of Nursing Home Administrators		33 MoReg 344		
19 CSR 73-2.120	Missouri Board of Nursing Home Administrators		33 MoReg 345		
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150
20 CSR 100-1.010	Insurer Conduct		32 MoReg 2381	33 MoReg 1091	
20 CSR 100-1.020	Insurer Conduct		32 MoReg 2382	33 MoReg 1091	
20 CSR 100-1.040	Insurer Conduct		32 MoReg 2382R	33 MoReg 1091R	
20 CSR 100-1.050	Insurer Conduct		32 MoReg 2382	33 MoReg 1092	
20 CSR 100-1.100	Insurer Conduct		32 MoReg 2383	33 MoReg 1092	
20 CSR 100-1.200	Insurer Conduct		32 MoReg 2384	33 MoReg 1092	
20 CSR 100-2.100	Insurer Conduct		32 MoReg 2384	33 MoReg 1092	
20 CSR 100-2.200	Insurer Conduct		32 MoReg 2385	33 MoReg 1093	
20 CSR 100-2.300	Insurer Conduct		32 MoReg 2385R	33 MoReg 1093R	
20 CSR 100-3.100	Insurer Conduct		32 MoReg 2385	33 MoReg 1093	
20 CSR 100-4.010	Insurer Conduct		32 MoReg 2386	33 MoReg 1093	
20 CSR 100-4.020	Insurer Conduct		32 MoReg 2386	33 MoReg 1093	
20 CSR 100-4.030	Insurer Conduct		32 MoReg 2387	33 MoReg 1094	
20 CSR 100-4.100	Insurer Conduct		32 MoReg 2387	33 MoReg 1094	
20 CSR 100-5.010	Insurer Conduct		32 MoReg 2388	33 MoReg 1094	
20 CSR 100-5.020	Insurer Conduct		32 MoReg 2388	33 MoReg 1094	
20 CSR 100-6.100	Insurer Conduct		32 MoReg 2389	33 MoReg 1094	
20 CSR 100-7.002	Insurer Conduct		33 MoReg 915		
20 CSR 100-7.005	Insurer Conduct		33 MoReg 916		
20 CSR 100-7.010	Insurer Conduct		32 MoReg 2390	33 MoReg 1094	
20 CSR 100-8.002	Insurer Conduct		33 MoReg 916		
20 CSR 100-8.005	Insurer Conduct		33 MoReg 917		
20 CSR 100-8.008	Insurer Conduct		33 MoReg 918		
20 CSR 100-8.010	Insurer Conduct		32 MoReg 2390	33 MoReg 1095	
20 CSR 100-8.012	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.014	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.015	Insurer Conduct		33 MoReg 920		
20 CSR 100-8.016	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.017	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.018	Insurer Conduct		33 MoReg 922		
20 CSR 100-8.020	Insurer Conduct		32 MoReg 2390	33 MoReg 1095	
20 CSR 100-8.040	Insurer Conduct		32 MoReg 2391	33 MoReg 1095	
20 CSR 200-6.100	Insurance Solvency and Company Regulation		This Issue		
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20 CSR 200-20.010	Insurance Solvency and Company Regulation		32 MoReg 2505	33 MoReg 1021	
20 CSR 200-20.020	Insurance Solvency and Company Regulation		32 MoReg 2505	33 MoReg 1022	
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20 CSR 2150-3.050	State Board of Registration for the Healing Arts		33 MoReg 225	33 MoReg 1027	
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20 CSR 2150-5.100	State Board of Registration for the Healing Arts		33 MoReg 229	33 MoReg 1028	
20 CSR 2150-6.050	State Board of Registration for the Healing Arts		33 MoReg 230	33 MoReg 933	
20 CSR 2150-6.062	State Board of Registration for the Healing Arts		33 MoReg 230	33 MoReg 933	
20 CSR 2150-6.066	State Board of Registration for the Healing Arts		33 MoReg 235	33 MoReg 934	
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Department of Agriculture			
Weights and Measures			
2 CSR 90-30.040	Quality Standards for Motor Fuels33 MoReg 399	Jan. 14, 2008 July 11, 2008
Office of the Director			
2 CSR 110-3.010	Description of General Organization; Definitions; Requirements and Exemptions; Enforcement Provisions . . .	.33 MoReg 311	Jan. 1, 2008 June 28, 2008
Department of Elementary and Secondary Education			
Missouri Commission for the Deaf and Hard of Hearing			
5 CSR 100-200.170	Skill Level Standards . . . . .	.33 MoReg 312	Jan. 1, 2008 June 28, 2008
Department of Public Safety			
Division of Fire Safety			
11 CSR 40-7.010	Blasting-Licensing, Registration, Notification, Requirements, and Penalties . . . . .	.33 Moreg 967	July 1, 2008 Jan. 1, 2009
Department of Revenue			
Director of Revenue			
12 CSR 10-41.010	Annual Adjusted Rate of Income . . . . .	.32 MoReg 2327	Jan. 1, 2008 June 28, 2008
Public Defender Commission			
Office of State Public Defender			
18 CSR 10-4.010	Rule for the Acceptance of Cases and Payment of Private Counsel Litigation Costs . . . . .	.33 MoReg 313	Dec. 28, 2007 June 30, 2008
Department of Insurance, Financial Institutions and Professional Registration			
Property and Casualty			
20 CSR 500-7.020	Scope and Definitions . . . . .	.33 MoReg 507	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.030	General Instructions . . . . .	.33 MoReg 507	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.050	Disclosure of Premiums and Charges . . . . .	.33 MoReg 508	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.060	Disclosure of Coverage Limitation . . . . .	.33 MoReg 509	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.070	Affiliated Business Arrangements . . . . .	.33 MoReg 510	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.090	Special Circumstances for Policy Delay . . . . .	.33 MoReg 510	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.100	Rate Schedules . . . . .	.33 MoReg 511	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.130	Insurance and Closing Protection Form Filings . . . . .	.33 MoReg 514	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.200	Standards For Policy Issuance . . . . .	.33 MoReg 515	Jan. 28, 2008 July 25, 2008
Insurance Licensing			
20 CSR 700-8.100	Applications for License . . . . .	.33 MoReg 519	Jan. 28, 2008 July 25, 2008
20 CSR 700-8.150	Examination Requirements . . . . .	.33 MoReg 520	Jan. 28, 2008 July 25, 2008
20 CSR 700-8.160	Continuing Education . . . . .	.33 MoReg 521	Jan. 28, 2008 July 25, 2008
State Board of Pharmacy			
20 CSR 2220-6.040	Administration by Medical Prescription Order . . . . .	.33 MoReg 1069	May 11, 2008 Feb. 18, 2009
Missouri Consolidated Health Care Plan			
Health Care Plan			
22 CSR 10-2.010	Definitions . . . . .	.33 MoReg 314	Jan. 1, 2008 June 28, 2008
22 CSR 10-2.020	Subscriber Agreement and General Membership Provisions .	.33 MoReg 314	Jan. 1, 2008 June 28, 2008
22 CSR 10-3.010	Definitions . . . . .	.33 MoReg 315	Jan. 1, 2008 June 28, 2008
22 CSR 10-3.020	Subscriber Agreement and General Membership Provisions .	.33 MoReg 315	Jan. 1, 2008 June 28, 2008

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<u>2008</u>			
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	This Issue
<u>2007</u>			
07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571

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	Subject Matter	Filed Date	Publication
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
07-29	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
07-30	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
07-31	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
07-32	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
07-33	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
07-34	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
07-35	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188

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07-36	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
Emergency Declaration	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
07-37	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
07-38	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
07-39	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

The rule number and the MoReg publication date follow each entry to this index.

ADMINISTRATION, OFFICE OF

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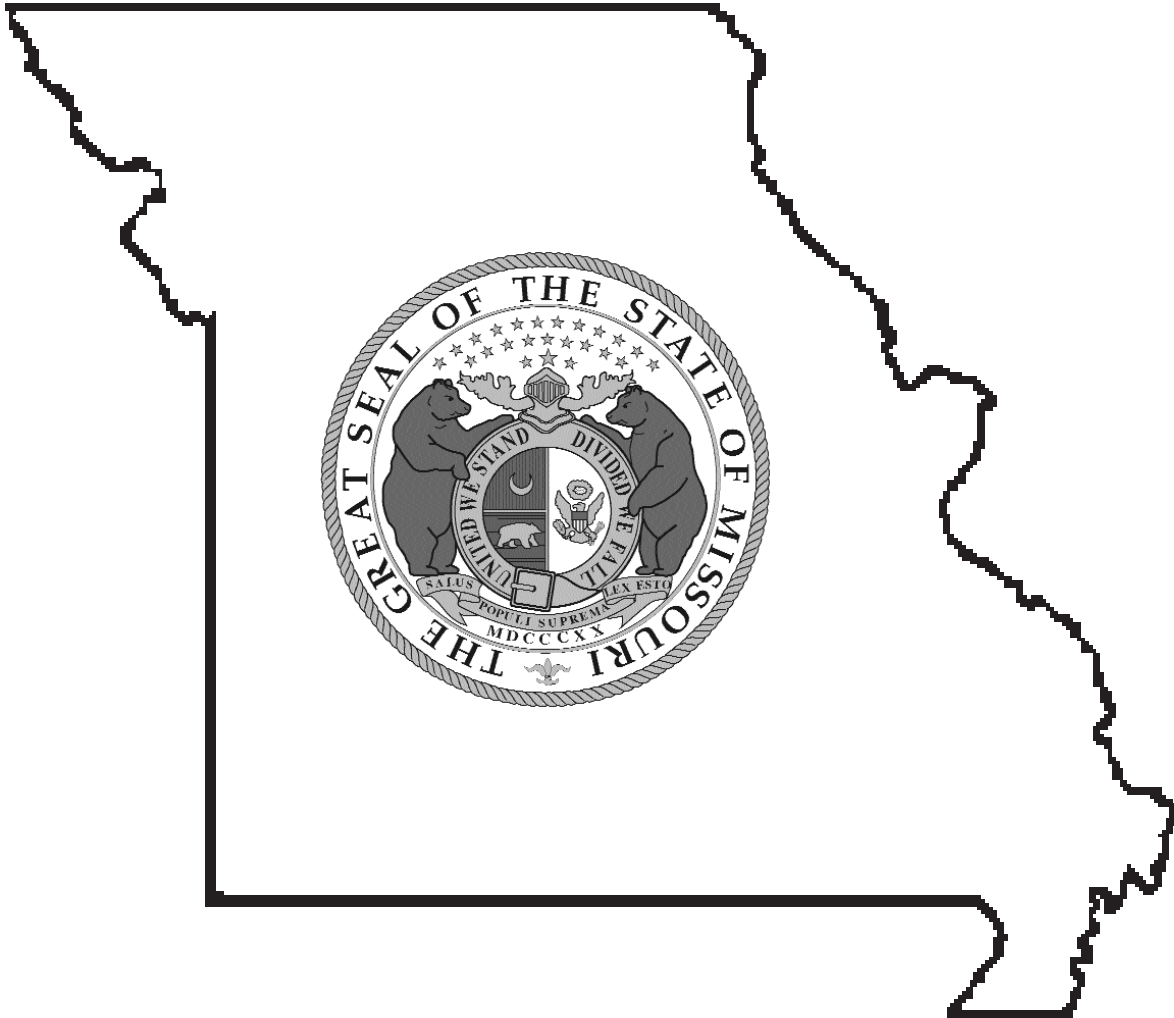
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