

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

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

PROPOSED AMENDMENT

3 CSR 10-11.130 Vehicles, Bicycles, [Equestrian Use] Horses, and Horseback Riding. The commission proposes to amend the title and section (7) of this rule.

PURPOSE: This proposed amendment adds Atlanta Conservation Area to the list of areas where bicycling or equestrian use may be authorized by special use permit.

(7) Bicycling or equestrian use may be authorized by special use permit on the following department areas:

(A) **Atlanta Conservation Area**

- [(A)](B)* Current River Conservation Area
- [(B)](C)* Fuson Conservation Area
- [(C)](D)* Logan Creek Conservation Area
- [(D)](E)* Marion Bottoms Conservation Area
- [(E)](F)* Pony Express Conservation Area
- [(F)](G)* Ranacker Conservation Area
- [(G)](H)* Shannon Ranch Conservation Area
- [(H)](I)* Union Ridge Conservation Area (excluding Spring Creek Ranch Natural Area)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 19, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 1—Organization and Administration

PROPOSED AMENDMENT

11 CSR 45-1.090 Definitions. The commission is amending sections (3), (5), (7), (9), (12), (16), (19), and (20).

PURPOSE: This amendment clarifies and codifies existing policy.

(3) Definitions beginning with C—

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

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

(5) Definitions beginning with E—

(B) Electronic gaming device—Any *[mechanical,]* electrical device or machine which upon payment of consideration is available to play or operate, the operation of which, whether by reason of the skill of the operator, application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive premiums, merchandise, tokens, redeemable game credits or anything of value other than unredeemable free games whether the payoff is made automatically from the machines or in any other manner;

(7) Terms beginning with G—

(A) **Gambling game—Includes games of skill or games of chance approved by the commission to be offered for public play by a Class B licensee;**

[(A)](B) Gaming—The dealing, operating, carrying on, conducting,

maintaining or exposing for play of any game;

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

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

(9) Definitions beginning with I—

(A) Indirect interest—An interest in a business entity that is deemed to be held by the holder of a Class *[A/B]* license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities; and

(B) Internal control system—Administrative and accounting controls designed by the holder of a Class *[A/B]* license, for the purpose of exercising control over the riverboat gaming operation.

(12) *[Definitions beginning with L—*

(A) Live gaming device—Any nonelectrical or nonelectromechanical apparatus used to gamble upon, including, but not limited to, roulette wheel and table, blackjack table, crap table and poker tables.] (Reserved)

(16) Definitions beginning with P—

(G) Progressive controller—The hardware and software that controls all communications *[among the machines within a progressive electronic gaming device]* within a progressive game link and its associated progressive meter;

(H) Progressive jackpot—A value determined by a holder of a Class *[A/B]* license and arrived at by income of an independent, local or interlinked *[electronic gaming device]* **gambling game**. This value shall be clearly displayed *[above]* to players of the interlinked *[electronic gaming device]* **gambling game** and metered incrementally by a progressive controller. A progressive *[machine]* **game** must prominently display *[a manufacturer-supplied glass]* **signage** indicating either that a progressive jackpot is to be paid or indicating the current amount of the jackpot. **An automated controller is not required in games of live poker where the incrementing and distribution processes are defined in the approved rules of the game;** and

(19) Definitions beginning with S—

(H) Support facility—A place of business which is part of, or operates in connection with, a riverboat gaming operation and is owned in whole or in part by a holder of a Class *[A/B]* license, or any of their key persons including, without limitation, riverboats, offices, docking facilities, parking facilities and land-based hotels or restaurants.

(20) Definitions beginning with T—

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

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

AUTHORITY: section 313.004, RSMo 2000 and sections 313.805 and 313.817, RSMo Supp. [2008] 2009. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30,

1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed July 28, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2010, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

11 CSR 45-4.020 Licenses, Restrictions on Licenses, Licensing Authority of the Executive Director, and Other Definitions. The commission is amending section (3).

PURPOSE: This amendment defines and describes key person/key person business entity licensing.

(3) A key person/key person business entity license shall include:

(B) A holder of any direct or indirect legal or beneficial publicly traded or privately held interest whose combined direct, indirect or attributed publicly traded interest is five percent (5%) or more or **privately held interest is one percent (1%) or more** in an applicant or licensee or in a business entity key person of an applicant or licensee—*[except a holder of more than five percent (5%) but not more than ten percent (10%) interest who holds such interest only for passive ("Not involving active participation; esp., of or relating to a business enterprise in which an investor does not have immediate control over the activity that produces income." Black's Law Dictionary Seventh Edition) investment purposes (including economic purposes) may be exempted from licensure by the executive director; such exemption may be requested at the time of investment or institutional investors may seek general pre-approval after certification that such investment will be passive in nature and for passive investments only. The commission may waive licensure for up to twenty percent (20%). If exempted from licensure by the executive director up to ten percent (10%), and up to twenty percent (20%) if exempted by the commission, provided that:*

1. The holder of such interest applies in writing in advance of acquiring said interest or within ten (10) days thereafter and certifies under oath that it is—

A. Acquiring the interest for passive investment purposes;

B. Does not nor will it have any involvement in the management activities of the entity;

C. Nor does it have any intention of controlling the entity regardless of additional stock that may be acquired;

D. That they will within ten (10) days notify the commission of any sale or purchase of stock in the entity equaling more than one percent (1%) of the entity's outstanding stock;

E. In the event the holder of any interest under this exemption subsequently develops an intention of controlling or participating in the management of said entity, they shall notify the commission of said change and refrain from participating in management or exercising such control until approved for licensure by the commission;

F. If the applicant is an individual, then the home and business addresses, occupation, employer and title shall be identified;

G. If applicant is a business entity, then they shall provide the type of entity (corporation, partnership, limited partnership, LLC, LLP, etc.), state of charter, the names and both home and business address of the—

- (I) Chief executive officer (CEO);*
- (II) Chief financial officer (CFO);*
- (III) Chief operating officer (COO);*
- (IV) Managing partner(s);*
- (V) General partner(s);*
- (VI) Members of the Board of Directors; and*
- (VII) The registered agent; and*

H. Additionally the director may grant exemptions to institutional investors to hold such interests in multiple licensees in advance;

2. The commission by majority vote may grant exemptions of up to twenty percent (20%) with the filing of the information required in (3)(B)1. above. Additionally the commission may grant exemptions to institutional investors to hold such interests in multiple licensees in advance;

3. The executive director shall keep a record of all such exemptions granted and the positions held by each entity and shall present a written report on the same to the commission on a monthly basis;

4. The exemption shall be for two (2) years unless renewed; and

5. Nothing in this section including the granting of an exemption shall prohibit the commission, at a future date, in its sole discretion, with or without cause from requiring any owner of any interest in a licensee from becoming licensed by the commission or to divest itself of stock ownership;

*(C) A holder of any direct or indirect legal or beneficial privately held interest whose combined direct, indirect or attributed privately held interest is one percent (1%) or more in an applicant or licensee or in a business entity key person of an applicant or licensee except a holder of more than one percent (1%) but not more than ten percent (10%) interest who is an institutional investor and who holds such interest only for passive (“Not involving active participation; esp., of or relating to a business enterprise in which an investor does not have immediate control over the activity that produces income.” *Black’s Law Dictionary Seventh Edition*) investment purposes (including economic purposes) may be exempted from licensure by the executive director; such exemption may be requested at the time of investment or institutional investors may seek general pre-approval after certification that such investments will be passive in nature and for passive investments only. The commission may waive licensure for up to twenty percent (20%). If exempted from licensure by the executive director up to ten percent (10%), and up to twenty percent (20%) if exempted by the commission, provided that:*

1. The holder of such interest applies in writing in advance of acquiring said interest or within ten (10) days thereafter and certifies under oath that it is—

A. Acquiring the interest for passive investment purposes;

B. Does not nor will it have any involvement in the management activities of the entity;

C. Nor does it have any intention of controlling the

entity regardless of additional stock that may be acquired;

D. That they will within ten (10) days notify the commission of any sale or purchase of stock in the entity equaling more than one percent (1%) of the entity’s outstanding stock;

E. In the event the holder of any interest under this exemption subsequently develops an intention of controlling or participating in the management of said entity, they shall notify the commission of said change and refrain from participating in management or exercising such control until approved for licensure by the commission;

F. If the applicant is an individual, then the home and business addresses, occupation, employer and title shall be identified;

G. If applicant is a business entity, then they shall provide the type of entity (corporation, partnership, limited partnership, LLC, LLP, etc.), state of charter, the names and both home and business address of the—

- (I) Chief executive officer (CEO);*
- (II) Chief financial officer (CFO);*
- (III) Chief operating officer (COO);*
- (IV) Managing partner(s);*
- (V) General partner(s);*
- (VI) Members of the Board of Directors; and*
- (VII) The registered agent; and*

H. Additionally the director may grant exemptions to institutional investors to hold such interests in multiple licensees in advance;

2. The commission by majority vote may grant exemptions of up to twenty percent (20%) with the filing of the information required in (3)(C)1. above. Additionally the commission may grant exemptions to institutional investors to hold such interests in multiple licensees in advance;

3. The executive director shall keep a record of all such exemptions granted and the positions held by each entity and shall present a written report on the same to the commission on a monthly basis;

4. The exemption shall be for two (2) years unless renewed; and

5. Nothing in this section including the granting of an exemption shall prohibit the commission, at a future date, in its sole discretion, with or without cause from requiring any owner of any interest in a licensee from becoming licensed by the commission or to divest itself of stock ownership;]

1. A holder of five percent (5%) or more publicly traded interest or one percent (1%) or more privately held interest but not more than ten percent (10%) publicly traded or privately held interest who holds such interest only for passive (“Not involving active participation; esp., of or relating to a business enterprise in which an investor does not have immediate control over the activity that produces income.” *Black’s Law Dictionary Seventh Edition*) investment purposes (including economic purposes) may be exempted from licensure by the executive director;

2. The commission by majority vote may grant exemption from licensure for holdings of up to twenty percent (20%);

3. Exemptions may be granted to institutional investors in advance to hold interest in multiple licensees;

4. Exemptions shall be for two (2) years unless renewed;

5. Requests for exemption from licensure must be submitted on a Request of Waiver for Licensure of Institutional Investor form, which is available for public inspection at the offices of the commission and online at the commission’s website (www.mgc.dps.mo.gov). Request forms shall be submitted in advance of acquiring such interest or within ten (10) days thereafter certifying under oath—

A. The interest is being acquired for passive investment purposes;

B. The holder does not nor will it have any involvement in

the management activities of the entity;

C. The holder does not have any intention of controlling the entity regardless of additional stock that may be acquired;

D. The holder will within ten (10) days notify the commission of any purchase of stock in the entity which causes the total holding of the entity's outstanding stock to exceed the threshold for which the waiver is granted;

E. In the event the holder subsequently develops an intention of controlling or participating in the management of said entity, said holder shall notify the commission of said change and refrain from participating in management or exercising such control until approved for licensure by the commission;

F. The home and business address, occupation, employer and title if the applicant is an individual; and

G. The type of entity (corporation, partnership, limited partnership, LLC, LLP, etc.), state of charter, and the names and both home and business address of the following personnel if the applicant is a business entity—

- (I) Chief executive officer (CEO);
- (II) Chief financial officer (CFO);
- (III) Chief operating officer (COO);
- (IV) Managing partner(s);
- (V) General partner(s);
- (VI) Members of the Board of Directors; and
- (VII) The registered agent;

6. The executive director shall keep a record of all such exemptions granted and the positions held by each entity and shall present a written report on the same to the commission on a monthly basis; and

7. Nothing in this section including the granting of an exemption shall prohibit the commission, at a future date, in its sole discretion, with or without cause from requiring any owner of any interest in a licensee from becoming licensed by the commission or to divest itself of stock ownership;

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

[(E)](D) An owner of an excursion gambling boat; and

[(F)](E) Any individual or business entity so designated by the commission or the executive director.

AUTHORITY: sections 313.004 and 313.807, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed July 28, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2010, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

11 CSR 45-5.051 Minimum Standards for Blackjack. The commission is amending sections (3)–(5), adding a new section (6), and amending and renumbering original section (6).

PURPOSE: This amendment clarifies and codifies existing policy by identifying a preexisting industry-accepted games protection procedure as an allowed "countermeasure" option for a Class B licensee to adopt.

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

(4) If a Class [A/B] licensee implements any of the options in section (3) of this rule, the option shall be uniformly applied to all persons at the table; provided, however that if a Class [A/B] licensee has implemented either of the options in subsection (3)(C) or (D) of this rule, an exception may be made for a patron who temporarily leaves the table if, at the time the patron leaves, the Class [A/B] licensee agrees to reserve the patron's spot until his or her return.

(5) Immediately prior to the commencement of play and after any shuffle of the cards, the dealer shall require that the cards be cut in a manner set forth in the Class [A/B] licensee's internal controls as approved by the commission. Such internal controls shall be subject to the following conditions:

(6) A floor supervisor or above may direct the dealer to shuffle the cards after any round of play is completed and all wagers have been resolved.

[(6)](7) After the cards have been cut and before any cards have been dealt, a floor supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the Class [A/B] licensee's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by the Class [A/B] licensee's internal controls.

AUTHORITY: section[s] 313.004, RSMo 2000 and section 313.805, RSMo Supp. 2009. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Feb. 28, 2007, effective Oct. 30, 2007. Amended: Filed July 28, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2010, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

11 CSR 45-5.075 Payout Percentage for Table Games and Progressive Table Games. The commission is amending the title of the rule, adding a new section (1), and amending and numbering the original rule.

PURPOSE: This amendment clarifies and codifies existing policy.

(1) Table games shall have a minimum theoretical return to players of seventy percent (70%) of the total amount wagered and a maximum theoretical hold distributed to the Class B licensee of thirty percent (30%). The computation of the theoretical return to player and hold shall be based on the optimum player strategy for the game and use generally accepted mathematical analysis techniques.

(2) Table games progressive wagers shall have a minimum theoretical return to players of seventy percent (70%) of the amount wagered and a maximum theoretical hold distributed to the Class B licensee of thirty percent (30%). Table games that include progressive jackpots shall include a progressive meter, visible to the public. *[No less than seventy percent (70%) of all progressive wagers made shall be distributed to the player and no more than thirty percent (30%) shall be distributed to the Class A licensee.]* If any part of the distribution to the progressive jackpot(s) is being used to fund a secondary jackpot, visible signage informing players of this supplemental distribution must be placed in the immediate area of the table. The existence of progressive jackpots and the distributions to those jackpots shall be set forth in the “rules of the game” within a licensee’s internal controls for each game having a progressive jackpot(s).

(3) Any table game not meeting *[this]* these distribution requirements shall be deemed an unauthorized gambling game.

AUTHORITY: sections 313.004 and 313.807, RSMo 2000 and section 313.805, RSMo Supp. 2009. Original rule filed May 10, 2000, effective Nov. 30, 2000. Amended: Filed March 1, 2002, effective Sept. 30, 2002. Amended: Filed July 28, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2010, at 10:00 a.m., in the Missouri Gaming Commission’s Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

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

PROPOSED AMENDMENT

11 CSR 45-5.200 Progressive Slot Machines. The commission is amending sections (1), (2), (5), (10), and (13) and deleting section (16).

PURPOSE: This rule establishes the process for having progressive slot machines.

(1) **Definitions.** As used in this rule—

(C) Progressive jackpot means a slot machine payoff that increases *[and]* over time solely as a function of the amount of wagers played on a machine or group of machines;

(2) A meter that shows the **accurate** amount of the progressive jackpot must be conspicuously displayed at or near the machines to which the jackpot applies. At *[least once a day,]* a **minimum, on the same day each week while the casino is closed,** each licensee shall record the amount *[shown]* displayed on each progressive’s top award jackpot meter at the licensee’s establishment *[except for those jackpots that can be paid directly by the machine either from the machine’s hopper or other mechanism approved by the commission and],* except for wide-area progressive systems, **progressive systems which cause participating electronic gaming devices (EGDs) to become disabled when communication is lost with the progressive controller, and EGDs which have progressive software embedded within the EGDs’ Critical Program Storage Media (CPSM). The top award jackpot amount shall *[reconcile each meter’s amount to]* be reconciled to the system meters by multiplying the progression rate *[multiplied]* by the amount-in for the period between which the meter amounts were recorded*./, less any jackpots that have occurred plus any reset amounts. In order to perform this reconciliation, the top award jackpot on these local progressive games shall require the EGD to lock-up requiring a hand-paid jackpot.*** The licensee authorized to provide a wide-area progressive system shall perform the required reconciliation for each system provided by such licensee. **At the conclusion of the reconciliation, if a variance exists between the amount shown on each progressive jackpot meter and the expected amount, the licensee shall document the variance amount. The licensee shall make the necessary adjustment(s) to ensure the correct amount is displayed by the end of the gaming day on which the reconciliation occurred.** Explanations for meter reading differences or adjustments thereto *[must]* shall be maintained with the progressive meter reading sheets. *[and where the payment of a jackpot is the explanation for a decrease, the licensee shall record the jackpot payout form number on the sheet or have the number reasonably available.]* In addition to the weekly reconciliation, each licensee shall record the progressive meter display amounts once each banking day to ensure jackpot resets occurred properly, to determine whether the meters incremented since the last reading and to identify any obvious atypical results which could indicate there is a problem with the progressive meter. If known variances are discovered during the daily review, which require a change to the meter display of one dollar (\$1) or more, the meter display shall be adjusted by the end of the gaming day. Each licensee shall record the base amount of each progressive jackpot the licensee offers.

(5) The operation of wide-area progressive slot machines is allowed subject to compliance with all other requirements of this rule, in addition to the following conditions:

(L) The central monitoring system for the wide-area progressive system must be in a location approved by the commission. The office containing the central monitoring system shall be secure and *[equipped with a surveillance system]* shall have surveillance coverage that has been approved by the commission. The central monitoring system shall employ on-line data redundancy that permits a complete and prompt recovery of all information in the event of any

malfunction and utilize environmental controls such as uninterruptible power supplies and fireproof and waterproof materials to protect critical hardware and software from natural disasters. The licensee authorized to provide a wide-area progressive system shall be required to keep and maintain an entry and exit log for the office in a manner approved by the commission. The commission shall at all times have the right to immediate access to the office containing the central monitoring system and the system itself. If the licensee operating the central monitoring system proposes to locate the system outside the state of Missouri, the licensee shall reimburse the commission for all reasonable and necessary expenses incurred by its agents[.]/—

1. To travel to the site to inspect the system's configuration and operation prior to authorizing use of the system;
2. To otherwise inspect the system location in connection with investigations concerning failures of the system or its operation; or
3. For such other reasons as the commission deems appropriate;

(10) Each progressive controller must be housed in a secure, locked location which allows only authorized accessibility and which contains a progressive entry authorization log that is completed by any person gaining entrance to the secured location. Both the location housing progressive controllers and the form on which entry is logged shall be *[reviewed for approval]* **approved** by the commission prior to use. The storage medium that contains the progressive controller program shall have a unique signature that allows program verification by an agent of the commission through use of a commission-approved verification device. After verification the storage medium shall be secured in the controller with a commission security seal. The security seal must be affixed by and may only be broken and removed by an authorized commission agent. Additionally, each progressive controller linking one (1) or more wide-area progressive slot machines must be housed in a double-keyed compartment. A gaming agent must be in possession of one (1) of the keys and no person may have access to the controller without the presence of a gaming agent. Normal operation of progressive gaming devices notwithstanding, communication to a progressive controller shall be permitted only by authorized personnel through entrance to the controller's secured location and who document such access and the purpose therefore on the progressive entry authorization log.

(13) Each machine must have a separate key and key switch to reset the progressive meter or meters or another reset mechanism *[that has the approval of the director]* **approved in writing by the commission.**

[(16) In addition to the requirements of this rule, all licensees shall comply with Chapter E of the Minimum Internal Control Standards as authorized by 11 CSR 45-9.030.]

AUTHORITY: section[s] 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. [2006] 2009. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed July 28, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition*

to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2010, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED RULE

11 CSR 45-5.300 Progressive Table Games

PURPOSE: This rule establishes the process for offering progressive table games.

(1) Definitions. As used in this rule—

- (A) Base amount means the amount of the progressive jackpot initially offered before it increases;
- (B) Incremental amount means the difference between the amount of a progressive jackpot and its base amount; and
- (C) Progressive jackpot means a table game payoff that increases over time solely as a function of the wagers played on the progressive game at a table game or group of table games.

(2) A meter that shows the accurate amount of the progressive jackpot must be conspicuously visible to the players at each table game to which the jackpot applies.

(3) A licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless—

- (A) A player wins the jackpot; or
- (B) The licensee adjusts the progressive jackpot meter to correct a malfunction and the licensee documents the adjustment and the reasons for it; or
- (C) The licensee's gaming operations at the establishment cease for any reason other than a temporary closure where the same licensee resumes gaming operations at the same establishment within a month; or
- (D) The licensee distributes the incremental amount to another table game progressive jackpot as approved in writing by the commission and—

1. The licensee documents the distribution;
2. Any table game offering the jackpot to which the licensee distributes the incremental amount does not require that more money be played on a single play to win the jackpot than the table game from which the incremental amount is distributed; and

3. The distribution is completed within thirty (30) days after the progressive jackpot is removed from play or within a longer period as the commission for good cause may approve; or

(E) The commission for good cause approves in writing a reduction, elimination, distribution, or procedure not otherwise described in this section.

(4) Licensees shall preserve the records required by this rule for at least five (5) years after they are made unless the commission approves otherwise in writing. The records should be stored in a location acceptable to the commission.

(5) During the normal mode of progressive table games, the progressive controller, or other approved device, must continuously monitor each table gaming position on the link for the progressive amounts wagered and must multiply the accepted amounts by the rate

of progression in order to determine the correct amounts to apply to the progressive jackpot. The progressive display must be constantly updated, in a manner approved in writing by the commission, as play on the link is continued.

(6) Progressive games shall not be used across multiple table games unless—

(A) The progressive monitoring system separately and accurately accounts for the total number of progressive wagers for each table game and all games offered for play contribute to the progressive jackpot; and

(B) The odds of attaining the winning combination are the same for each game; and

(C) Each game requires the same wager amount to win the progressive jackpot.

(7) The odds of winning a progressive jackpot shall not be greater than one in fifty million (1:50,000,000) unless specifically approved in writing by the commission.

(8) Each progressive controller must be housed in a secure, locked location which allows only authorized accessibility and which contains a Machine Entry Authorization Log (MEAL) that is completed by any person gaining access to the secured location. Both the location housing progressive controllers and the form on which entry is logged shall be approved by the commission prior to use. The storage medium that contains the progressive controller program shall have a unique signature that allows program verification by an agent of the commission through use of a commission-approved verification device. After verification the storage medium shall be secured in the controller with a commission security seal. The security seal must be affixed by and may only be broken and removed by an authorized commission agent. Normal operation of progressive gaming devices notwithstanding, communication to a progressive controller shall be permitted only by authorized personnel through access to the controller's secured location and who document such access and the purpose therefore on the progressive entry authorization log.

(9) Each type of progressive game must have a unique key used to reset the progressive meter(s) or another reset mechanism approved in writing by the commission.

(10) Unless the commission has approved the payment of prizes by installments, a licensee who has a progressive table game must maintain minimum cash reserves in accordance with 11 CSR 45-8.150. The commission must approve all such cash reserves.

(11) Progressive jackpots shall not be shared between multiple Class B licensees.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2009. Original rule filed July 28, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2010, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

11 CSR 45-30.020 Advertising. The commission is amending sections (1) and (2).

PURPOSE: This amendment is due to a statutory change which increases the percentage of receipts an organization can use for advertising bingo occasions.

(1) Advertising expenditures for all type (A), (B), and (C) licensees as defined in rule 11 CSR 45-30.065 may not exceed *[two percent (2%)] ten percent (10%)* of the total receipts available for charitable, religious or philanthropic purposes. The percentage shall be calculated based on the licensee's prior calendar year use of receipts for charitable, religious or philanthropic purposes as reported on the licensee's quarterly reports. New licensees will be allowed to estimate the funds available for advertising for the first two (2) calendar quarters of operation. After two (2) quarters, the total must be based on the actual receipts to be used for charitable, religious or philanthropic purposes.

(2) All expenditures for advertising of a licensed bingo game must be paid from the licensee's special bingo checking account. All invoices, receipts and other documentation used to account for advertisements must be maintained for *[three (3)] two (2)* years.

AUTHORITY: section[s] 313.040, HCS for SB 940, Second Regular Session, Ninety-fifth General Assembly, 2010 and section 313.065, RSMo [Supp. 1997] 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 14, 1998, effective July 30, 1999. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.025 Bingo Promotions. The commission is amending section (3).

PURPOSE: This amendment removes the reference to a specific dollar amount licensees can award at a bingo occasion.

(3) Prizes awarded from bingo promotions will not count against the [three thousand six hundred dollars (\$3,600)] maximum that a licensed organization may award during any single bingo event.

AUTHORITY: section 313.065, RSMo 2000. Original rule filed March 1, 2002, effective Sept. 30, 2002. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED RESCISSION

11 CSR 45-30.030 Special Bingo Game. This rule defined a special bingo game.

PURPOSE: This rule is being rescinded as the special bingo game is no longer defined in state statute.

AUTHORITY: section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Rescinded: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed rescission are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.035 Bingo Card. The commission is deleting section (4) and renumbering the remaining sections.

PURPOSE: This amendment is due to statutory changes concerning the special game bingo card and the removal of bingo face tax.

[(4)](4) The price for a single special game bingo card may not exceed fifty cents (50¢).]

[(5)](4) The use of any bingo card for any purpose that is not defined within Chapter 313, RSMo, is prohibited.

[(6)](5) During an occasion, a licensee may allow a sight-impaired player to use a Braille bingo card(s) that is owned by the player or purchased from the licensee for use during that occasion. An equal amount of paper bingo cards must be destroyed in accordance with 11 CSR 45-30.175.

[(7)](6) A bingo licensee shall obtain approval from the commission prior to purchasing any Braille bingo cards.

[(8)](7) Except when prior approval is obtained from the commission to purchase Braille bingo cards directly from a nonlicensed source, a licensee shall purchase all Braille bingo cards from a Missouri licensed supplier.

[(9)](8) A bingo licensee seeking prior approval from the commission to purchase Braille bingo cards from a nonlicensed source shall submit a written request to the commission that contains the name of the source, a sample of the actual Braille bingo card(s) to be purchased, and the purchase price for the Braille bingo card(s).

[(10)](9) A licensed Missouri supplier may purchase Braille bingo cards from a nonlicensed source only after receiving prior approval from the commission.

[(11)](10) A licensed Missouri supplier seeking prior approval from the commission to purchase Braille bingo cards from a nonlicensed source shall submit a written request to the commission that contains the name of the source, a sample of the actual Braille bingo card(s) to be purchased, and the purchase price for the Braille bingo card(s).

[(12)](11) The price for the use of a single Braille bingo card per occasion shall be the same price as all other bingo cards during that occasion.

[(13)](12) The use of any Braille bingo card for any purpose that is not defined within Chapter 313, RSMo, is prohibited.

AUTHORITY: section 313.065, RSMo 2000. Original rule filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.070 Regular Bingo License. The commission is amending section (1).

PURPOSE: This amendment is due to a statutory change which allows bingo licensees to conduct bingo up to two (2) days per week.

(1) A regular bingo license is a license issued to a qualified organization to conduct only the game of bingo as defined in section 313.005, RSMo. The number of bingo occasions conducted by a licensee is limited to *[one (1)] two (2)* days per week. The holder of a regular bingo license may also be the holder of a special bingo license. A veterans' organization may be exempt from the limitation of *[one (1)] two (2)* days per week for play at a veterans' hospital as provided in section 313.060, RSMo.

AUTHORITY: section 313.065, RSMo [Supp. 1993] 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.175 Organization (Operator) Record Keeping Requirements. The commission is amending sections (1) and (9).

PURPOSE: This amendment clarifies the record keeping requirements for bingo organizations licensed by the commission.

(1) An organization shall maintain complete, accurate, and legible general accounting records *[by category]* that contain sufficient detail to furnish information, which must be made available and recorded at each occasion, regarding all bingo game activity including the number of admission fees, if any, the number of *[regular, extra regular, special game,]* bingo cards and pull-tab cards sold **by category and price**. Records shall be sufficient to adequately reflect gross receipts, as defined in 11 CSR 45-30.205, prizes awarded, expenses and other bingo game related transactions to include all bingo paper and pull-tab sales which accurately reflect the requirements and restrictions contained in the *Missouri Constitution* and Chapter 313, RSMo.

(9) All records not specified in sections (5), (6), or (7) of this rule, as well as all ledgers, receipts, and invoices required by this rule and Chapter 313, RSMo, must be retained for a period of *[three (3)] two (2)* years, unless prior written approval is received from the commission to retain any such record, ledger, receipt, or invoice for a period less than *[three (3)] two (2)* years, and stored in such a manner as to be immediately available for inspection by the commission upon demand.

AUTHORITY: section 313.065, RSMo 2000. Original rule filed Dec. 15, 1994, effective May 28, 1995. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.190 Rules of Play. The commission is amending section (1) and adding section (4).

PURPOSE: This amendment is due to a statutory change. The rule clarifies the hours a bingo licensee can conduct bingo. This amendment also establishes the maximum prize amount each licensee can award at a bingo occasion.

(1) Except for pull-tab games, a bingo game begins with the first letter and number drawn (called). Bingo paper may be sold no more than two (2) hours prior to the start of the first bingo game, however, no pull-tab sales may start before *[10:00] 7:00* a.m. The paper and/or pull-tab sales time must be clearly posted in the licensee's house or game rules. All bingo paper and/or pull tabs must be sold by approved workers and sales times are subject to approval by the commission.

(4) The aggregate retail value of all prizes or merchandise awarded, except prizes or merchandise awarded by pull-tab cards and progressive bingo games, in any single day of bingo may not exceed three thousand six hundred dollars (\$3,600).

AUTHORITY: section 313.040, HCS for SB 940, Second Regular Session, Ninety-fifth General Assembly, 2010 and section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed July 28, 2010, effective Aug. 28, 2010, expires Feb. 23, 2011. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.205 Game Operation Definitions. The commission is amending section (1).

PURPOSE: This amendment removes the reference to a special game card in the definition of gross receipts.

(1) Gross receipts—all receipts from admission charges, sale of any [regular or special game] bingo cards, pull-tab cards, or any item sold for which the proceeds are commingled with bingo funds.

AUTHORITY: section 313.065, RSMo 2000. Original rule filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost which exceeds five

hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.210 Reports. The commission is amending section (3).

PURPOSE: This amendment clarifies the information required on reports bingo licensees file with the commission.

(3) [Beginning with the first calendar quarter of 1996 p] Pursuant to section 313.045, RSMo, each licensed organization/operator must file with the commission a quarterly report for the preceding calendar quarter listing: 1) the number of games it has conducted during the quarter, 2) the gross receipts from each game, to include bingo card receipts and pull tabs, 3) an itemization of the cost of conducting each game, including prizes awarded, and the names [and addresses] of the person(s) to whom said expenses were paid, and 4) the purposes for which the net proceeds of each game were used and the amounts so used. The report is due the last day of each month following each calendar quarter except the fourth quarter report which will be due February 28. The first quarter is January through March, the second quarter is April through June, the third quarter is July through September, and the fourth quarter is October through December. The due dates will be April 30, July 31, October 31, and February 28, respectively. Reports not filed by the due dates will subject the licensee to the penalties described in 11 CSR 45-30.535 or the licensee/operator may have its license suspended or revoked pursuant to section 313.052, RSMo.

AUTHORITY: section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.225 Change of Day and/or Time of Bingo Occasion. The commission is amending section (1).

PURPOSE: This rule is being amended due to a statutory change which allows bingo licensees to play bingo twice per week.

(1) Each applicant for licensure or organization licensed to conduct bingo is required to state the day(s) and time(s) the bingo occasion(s) will be conducted in the relevant application. Upon issuance of a new or renewal license, each licensed organization shall conduct its bingo games on the day(s) and time(s) so stated in the application. A licensed organization may request a change in the day(s) and/or time(s) of its bingo occasion(s) in writing to the commission. The licensed organization may change the day(s) and/or time(s) of its bingo occasion(s) upon receipt of written authorization from the commission.

AUTHORITY: section 313.065, RSMo [Supp. 1993] 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.355 Sale of Pull-Tab Cards by Bingo Licensees. The commission is amending sections (4) and (5).

PURPOSE: This rule is being amended due to a statutory change in the time bingo can be conducted and to increase the number of abbreviated pull-tab occasions an organization may conduct in a calendar year.

(4) Licensees possessing a type A or B license, as identified in 11 CSR 45-30.065(1)(A) and (B) must comply with the following:

(A) On each occasion, pull-tab cards may be sold no more than two (2) hours prior to the start of the first game of bingo, except that no bingo pull-tab cards may be sold prior to [10:00] 7:00 a.m.;

(5) Licensees possessing a type C license, as identified in 11 CSR 45-30.065(1)(C), must comply with the following:

(A) An organization may conduct no more than [four (4)] **fifteen (15)** occasions per calendar year at which only pull-tabs cards are sold;

AUTHORITY: section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.535 Penalties. The commission is amending section (4).

PURPOSE: This amendment specifies the penalties which may be assessed by the commission against licensees for violations of the bingo statutes, pursuant to section 313.052, RSMo.

(4) For operators who fail to file quarterly/[annual] reports as required in section 313.045, RSMo, and 11 CSR 45-30.210, by the required due dates, the commission may assess a late penalty of five dollars (\$5) per day from the date due until filed. The maximum late penalty for one (1) report shall be one hundred dollars (\$100).

AUTHORITY: section 313.065, RSMo [Supp. 1996] 2000. Original rule filed July 3, 1995, effective Jan. 30, 1996. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.540 Approval of Bingo Paraphernalia. The commission is amending sections (1) and (2).

PURPOSE: This amendment clarifies the items to be submitted for approval.

(1) Licensed manufacturers shall submit all pull-tab flares and five (5) pull-tabs **including at least one (1) winning pull-tab and one (1) losing pull-tab**, and a payout (profit) sheet for each form of the pull-tab, to the commission and obtain written approval from the commission prior to the delivery of such items to any licensed supplier to be made available for sale to organizations licensed to conduct bingo in this state. **If the pull-tab deal is an event ticket game, a sample pull-tab ticket for each type of hold or play ticket and play instructions must also be submitted with the request for approval.**

(2) Licensed manufacturers shall submit all coin boards, excluding the actual coins and prizes, or legible artwork of the coin board and five (5) pull-tabs **including at least one (1) winning pull-tab and one (1) losing pull-tab**, and a payout (profit) sheet to the commission and obtain written approval from the commission prior to the delivery of such items to any licensed supplier to be made available for sale to organizations licensed to conduct bingo in this state.

AUTHORITY: section 313.065, RSMo 2000. Original rule filed May 6, 2003, effective Jan. 30, 2004. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

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

PROPOSED AMENDMENT

11 CSR 45-30.600 Electronic Bingo Card Monitoring Devices. The commission is amending section (1).

PURPOSE: This amendment is due to a statutory change which defines Electronic Bingo Card Monitoring Devices (EBCMD).

(1) "Electronic Bingo Card Monitoring Device"/ "(EBCMD)" means [an electronic device,] "**bingo card monitoring device**" as defined by section 313.005(3), RSMo. The EBCMD shall be

approved by the commission prior to the sale, installation, or use of the EBCMD by a licensed bingo organization or in a licensed bingo facility. [, that is used by a bingo player to monitor bingo cards purchased at the time and place of a licensed organization's bingo occasion, and which—

(A) Provides a means for bingo players to input numbers announced by a bingo caller; and

(B) Compares the numbers entered by the player to the numbers contained on cards previously stored in the electronic memory of the device; and

(C) Identifies the winning pattern. EBCMD shall not mean or include any device into which coin, currency, or tokens are inserted to activate play.]

AUTHORITY: section 313.065, RSMo 2000. Original rule filed Nov. 10, 1998, effective June 30, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Charitable Games Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.112 Newspaper Defined. This rule defined the term newspaper for purposes of the sales tax law and interpreted and applied sections 144.010, 144.021, and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-110.400 Newspaper and Other Publications.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-49 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Replied: March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments

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

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.118 Leased Departments or Space. This rule interpreted the sales tax law as it applied to leased departments or space and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-108.700 *Lease or Rental of Tangible Personal Property*.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 21 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-52 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.126 Federal Manufacturer's Excise Tax. This rule interpreted the sales tax law as it applied to the federal manufacturer's excise tax.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-103.555 *Determining Taxable Gross Receipts*.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 84 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-56 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.130 Assignments and Bankruptcies. This rule interpreted the sales tax law as it applied to assignments and bankruptcies and interpreted and applied sections 144.010, 144.083, and 144.090, RSMo, in conjunction with Chapter 11 U.S.C.A., Bankruptcy Code.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-101.700 *Bankruptcy and Other Court Appointments*.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 14 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-58 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.134 Purchaser's Responsibilities. This rule interpreted the sales tax law as it applied to a purchaser's responsibilities and interpreted and applied sections 144.010 and 144.060, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-107.100 *Use of and Reliance on Exemption Certificates*.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 22, Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-60 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.140 Interdepartmental Transfers. This rule interpreted the sales tax law as it applied to interdepartmental transfers and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-103.555 Determining Taxable Gross Receipts.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 20 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-63 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.146 Core Deposits. This rule interpreted the sales tax law as it applied to core deposits and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-103.555 Determining Taxable Gross Receipts.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-66 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.192 Seller's Responsibilities. This rule provided guidelines for the seller's responsibilities and interpreted and applied sections 144.010, 144.021, 144.080, and 144.210, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-103.800 Tax Computation.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 86 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-89 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.194 Multistate Statutes. This rule provided that the Multistate Tax Compact relating to sales and use taxes is applicable in Missouri, and interpreted and applied section 32.200, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-2.045 Missouri Consolidated Income Tax Returns.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-90 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.196 Nonreturnable Containers. This rule interpreted the sales tax law as it applied to nonreturnable containers and interpreted and applied section 144.011(9), RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-103.220 Resale.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 34. S.T. regulation 011-1 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.198 Returnable Containers. This rule interpreted the sales tax law as it applied to returnable containers and interpreted and applied sections 144.010 and 144.011(9), RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-103.555 Determining Taxable Gross Receipts.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 34. S.T. regulation 011-2 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.204 Paper Towels, Sales Slips. This rule interpreted the sales tax law as it applied to sales of paper towels, sales slips, and like items and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-103.220 Resale.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 011-5 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.228 Lessors-Renters Include. This rule indicated that a person may be a lessor or renter even though the location of the leased or rented article remains unchanged and interpreted and applied sections 144.010 and 144.020, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-108.700 Lease or Rental of Tangible Personal Property.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 020-10 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Sept. 14, 1976, effective Dec. 11, 1976. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.264 Repossessed Tangible Personal Property. This rule interpreted the sales tax law as it applied to sales of repossessed tangible personal property and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-113.200 Determining Whether a Transaction is Subject to Sales and Use Tax.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 38 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-8 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.266 Sales to National Banks and Other Financial Institutions. This rule interpreted the sales tax law as it applied to sales to national banks and other financial institutions and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-4.080 Sales to National Banks and Other Financial Institutions.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 12 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-9 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.288 Florists. This rule interpreted the sales tax law as it applied to florists and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it has been incorporated in or superseded by 12 CSR 10-103.620 Florists.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 63 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-20 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

13 CSR 70-3.130 Computation of Provider Overpayment by Statistical Sampling. The division is amending subsection (2)(C) and section (4).

PURPOSE: This amendment clarifies references to 13 CSR 70-3.030.

(2) When the Medicaid agency determines that claims for payment submitted by a provider shall be reviewed, the following actions will be taken:

(C) Each claim or each portion of a claim relating to a particular service or item of merchandise reviewed. The review process may include any one (1) or more of the following:

1. Determination of medical necessity by a qualified consultant or employee of the agency. The reimbursement received by the provider for services or merchandise determined to be medically unnecessary shall constitute an overpayment. Medically unnecessary includes services that are inappropriate or excessive for the diagnosis tested;

2. Determination of proper billing codes as required under program benefit limitations. The reimbursement received by the provider for services or merchandise through the use of improper billing codes or billing codes in excess of program benefit limitations shall constitute an overpayment;

3. Determination that services or merchandise were delivered by the provider in compliance with the requirements of [13 CSR 70-3.030(2)(A)1.-35.] 13 CSR 70-3.030(3)(A). The reimbursement received by the provider for services or merchandise delivered in violation of any provision of [13 CSR 70-3.030(2)(A)1.-35.] 13 CSR 70-3.030(3)(A) shall constitute an overpayment;

4. Determination that delivery of services or merchandise appearing on the reviewed claims is verified by adequate records kept by the provider. Reimbursement received by the provider for services or merchandise not verified by adequate records shall constitute an overpayment;

5. Determination that services or merchandise delivered by the provider were performed or delivered by the provider for services performed or merchandise delivered by another or without proper supervision shall constitute an overpayment;

6. Determination that services performed or merchandise delivered by the provider are verified by statements of the eligible recipients of the services or merchandise. Reimbursement received for services or merchandise not verified by the recipients shall constitute an overpayment; and

7. Determination that information submitted by the provider accompanying the claims for payment was adequate. This includes, but is not limited to, physician examination certifications, medical necessity forms, and test results. Reimbursement received by the provider for services or merchandise not accompanied by adequate information of this type shall constitute an overpayment.

(4) When a total overpayment has been computed by statistical sampling, the Medicaid agency may proceed to recover the full amount of the overpayment from the provider as an amount due. Recovery of the overpayment shall be accomplished according to the provisions of [13 CSR 70-3.030(5)(A)-(D)] 13 CSR 70-3.030(6), except that in cases where the amount due was computed by statistical sample, the notice informing the provider of the amount due required by [13 CSR 70-3.030(5)(A) and (B)] 13 CSR 70-3.030(6)(A) and (B) shall also contain the following information:

AUTHORITY: section[s 207.020, RSMo Supp. 1993,] 208.165, RSMo [1986] 2000 and sections 208.153 and 208.201, RSMo Supp. [1991] 2009. This rule was previously filed as 13 CSR 40-81.161. Original rule filed April 14, 1983, effective Oct. 13, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed July 30, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight

mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 4—Membership and Creditable Service

PROPOSED AMENDMENT

16 CSR 10-4.010 Membership Service Credit. The Public School Retirement System of Missouri is amending sections (1) and (2).

PURPOSE: This amendment allows for the calculation of service credit in hundred-thousandth increments instead of tenths.

(1) Membership service credit for full-time employment will be calculated based on the following ratio beginning July 1, 1997: The actual compensation received by the member for the school year divided by the annual compensation expected to be paid for that full-time position for a complete school year, as reflected on the beginning of the year report from the employer (or as later amended). Both the numerator and denominator will be determined without regard to the career ladder and medical benefits that are otherwise included in compensation. Credit [will be calculated to the nearest tenth of a year] **resulting from the above calculation shall be rounded to the nearest hundred-thousandth.** Not more than one (1) year of membership service credit will be allowed for any school year.

(2) Where credit is allowed by law for part-time employment, the credit will be calculated based on the following ratio beginning July 1, 1997: The actual compensation received by the member for the school year divided by the annual compensation that would be paid for that position on a full-time basis for a complete school year, as reflected on the beginning of the year report from the employer (or as later amended). Both the numerator and denominator will be determined without regard to the career ladder and medical benefits that are otherwise included in compensation. Credit [will be calculated to the nearest tenth of a year] **resulting from the above calculation shall be rounded to the nearest hundred-thousandth.** Not more than one (1) year of membership service credit will be allowed for any school year.

AUTHORITY: section 169.020, RSMo Supp. [2005] 2009. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed July 20, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Public School and Education Employee Retirement Systems of Missouri, Attn: Maria Walden, PO Box 268, Jefferson City, Missouri 65102-0268. 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 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 5—Retirement, Options and Benefits

PROPOSED AMENDMENT

16 CSR 10-5.010 Service Retirement. The Public School Retirement System of Missouri is amending section (9).

PURPOSE: This amendment allows for the calculation of age in hundred-thousandth increments instead of tenths.

(9) For the purpose of determining eligibility for retirement as a result of the sum of a member's age and years of creditable service equaling eighty (80) years or more, the member's age shall be determined by adding the member's age on the date of his or her most recent birthday and the partial year following the member's most recent birthday. Such partial year shall be determined by converting [days following the member's most recent birthday into tenths of a year according to the following schedule:

At least 37 days and less than 73 days: one-tenth of a year
At least 73 days and less than 110 days: two-tenths of a year

At least 110 days and less than 146 days: three-tenths of a year

At least 146 days and less than 183 days: four-tenths of a year

At least 183 days and less than 219 days: five-tenths of a year

At least 219 days and less than 256 days: six-tenths of a year

At least 256 days and less than 292 days: seven-tenths of a year

At least 292 days and less than 329 days: eight-tenths of a year

At least 329 days and less than 365 days: nine-tenths of a year] the member's age to the nearest day into a number rounded to the nearest hundred-thousandth.

AUTHORITY: section 169.020, RSMo Supp. 2009. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed July 20, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Public School and Education Employee Retirement Systems of Missouri, Attn: Maria Walden, PO Box 268, Jefferson City, Missouri 65102-0268. 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 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Public Education Employee Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.040 Membership Service Credit. The Public Education Employee Retirement System of Missouri is amending sections (1) and (7).

PURPOSE: This amendment allows for the calculation of service credit and age in hundred-thousandth increments instead of tenths.

(1) Membership service credit for regularly employed members will be calculated based on the following ratio beginning July 1, 1997: The actual compensation received by the member for the school year divided by the minimum annual compensation expected to be paid for that position for a complete school year, as reflected on the beginning of the year report from the employer (or as later amended). Both the numerator and denominator will be determined without regard to the medical benefits that are otherwise included in compensation. Credit [will be calculated to the nearest tenth of a year] **resulting from the above calculation shall be rounded to the nearest hundred-thousandth.** Not more than one (1) year of membership service credit will be allowed for any school year.

(7) For the purpose of determining eligibility for retirement as a result of the sum of a member's age and years of creditable service equaling eighty (80) years or more, the member's age shall be determined by adding the member's age on the date of his or her most recent birthday and the partial year following the member's most recent birthday. Such partial year shall be determined by converting [days following the member's most recent birthday into tenths of a year according to the following schedule:

At least 37 days and less than 73 days: one-tenth of a year

At least 73 days and less than 110 days: two-tenths of a year

At least 110 days and less than 146 days: three-tenths of a year

At least 146 days and less than 183 days: four-tenths of a year

At least 183 days and less than 219 days: five-tenths of a year

At least 219 days and less than 256 days: six-tenths of a year

At least 256 days and less than 292 days: seven-tenths of a year

At least 292 days and less than 329 days: eight-tenths of a year

At least 329 days and less than 365 days: nine-tenths of a year] the member's age to the nearest day into a number rounded to the nearest hundred-thousandth.

AUTHORITY: section 169.610, RSMo Supp. [2005] 2009. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed July 20, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Public School and Education Employee Retirement Systems of Missouri, Attn: Maria Walden, PO Box 268, Jefferson City, Missouri 65102-0268. 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 6—Fees**

PROPOSED AMENDMENT

20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees. The board is proposing to amend the title and subsection (1)(M).

PURPOSE: The board is statutorily obligated to enforce and administer the provisions of section 327.081, RSMo. Fees collected by the board should be set at a level sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 327, RSMo. Therefore, the board is proposing to decrease the individual renewal fee for the 2011 fiscal year.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:

(M) Individual Renewal Fee \$~~60~~³⁵

*AUTHORITY: section 327.041, RSMo Supp. [2007] 2009. This rule originally filed as 4 CSR 30-6.015. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed July 20, 2010, effective July 30, 2010, expires Feb. 24, 2011. Amended: Filed July 20, 2010.*

PUBLIC COST: This proposed amendment will decrease revenue for the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects by approximately five hundred sixty-nine thousand two hundred dollars (\$569,200) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately five hundred sixty-nine thousand two hundred dollars (\$569,200) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, 3605 Missouri Boulevard, Suite 380, Jefferson City, MO 65109, by facsimile at 573-751-0047, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2030 - Missouri Board of Architects, Professional Engineers, Professional Land Surveyors,
and Landscape Architects**

Chapter 6 - Fees

**Proposed Amendment - 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and
Miscellaneous Fees**

Prepared June 2, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	\$569,200

**Total Biennial Decrease in Revenue
for the Life of the Rule \$569,200**

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.
2. The board is statutorily obligated to enforce and administer the provisions of section 327.081. Fees collected by the board should be set at a level sufficient, but not excessive to cover the cost and expense to the board for administering the provisions of Chapter 327, RSMo. Therefore, the board is proposing to decrease the individual renewal fee for the 2011 fiscal year.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2030 - Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and
Landscape Architects**

Chapter 6 - Fees

**Proposed Amendment - 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and
Miscellaneous Fees**

Prepared June 2, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost savings of compliance with the rule by affected entities:
22,768	Renewal Applicants (Renewal Fee Decrease @ \$25)	\$569,200
	Estimated Biennial Cost Savings of Compliance for the Life of the Rule	\$569,200

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY10 actuals.
2. All architects, engineers, land surveyors, and landscape architects licensed in Missouri will benefit from this amendment by saving \$25 every two years when renewing their professional license.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2110-2.240 Continuing Dental Education. The board is proposing to amend subsection (2)(I).

PURPOSE: This amendment allows a licensee to receive continuing education by attending open meetings of the Advisory Commission for Dental Hygienists.

(2) In order to renew a license, each dentist shall submit satisfactory evidence of completion of fifty (50) hours of continuing education during the two (2)-year period immediately preceding the renewal period and each dental hygienist shall submit satisfactory evidence of completion of thirty (30) hours of continuing education during the two (2)-year period immediately preceding the renewal period. Any hours acquired beyond the required number may be carried forward into the next time block not to exceed twenty-five (25) hours for dentists and fifteen (15) hours for dental hygienists. Of the fifty (50) hours required for dentists, not less than forty (40) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health, and safety of the individual dental patient. Of the thirty (30) hours required for dental hygienists, not less than twenty-five (25) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health, and safety of the individual dental patient. One (1) hour of continuing education shall be granted for every fifty to sixty (50–60) minutes of contact (either academic or clinical) instruction.

(I) Licensees who attend the open session of the Missouri Dental Board’s quarterly meetings or an open meeting of the Advisory Commission for Dental Hygienists will receive two (2) hours of continuing education credit per meeting. To qualify, licensees must sign in at the beginning of the open meeting and sign out at the end of the open meeting. These continuing education credits do not qualify as directly related to the updating and maintaining of knowledge and skills in the treatment, health, and safety of the individual dental patient.

AUTHORITY: section 332.031, RSMo 2000 and sections 332.181 and 332.261, RSMo Supp. [2008] 2009. This rule originally filed as 4 CSR 110-2.240. Original rule filed Aug. 30, 1993, effective April 9, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed July 20, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at 573-751-8216 or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2120-2.100 Fees. The board is proposing to add subsections (1)(X), (1)(AA), and (1)(DD), remove subsections (1)(BB) and (1)(CC), amend subsections (1)(W) through (1)(DD), and reletter subsections (1)(X) through (1)(GG).

PURPOSE: The State Board of Embalmers and Funeral Directors is statutorily obligated to enforce and administer the provisions of Chapter 333, RSMo and sections 436.400 to 436.525, RSMo. Pursuant to sections 333.111 and 436.520, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 333, RSMo and sections 436.400 to 436.520, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the respective cost and expenses to the board for administering the provisions of Chapter 333, RSMo and sections 436.400 to 436.525, RSMo. Therefore the board is proposing to adopt new fees associated with the implementation of Senate Bill 1, 95th General Assembly, First Regular Session (2009).

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

(W) Provider [Biennial] Annual Renewal Fee	\$/ * * 70
(X) Provider Delinquent Renewal Fee	\$100
[(X)](Y) Seller License Application Fee	\$/75/200
[(Y)](Z) Seller [Biennial] Annual Renewal Fee	\$/ * * 200
(AA) Seller Delinquent Renewal Fee	\$200
[(Z)](BB) [Seller] Preneed Agent Registration Fee	\$50
[(AA)](CC) [Seller] Preneed Agent [Biennial] Annual Registration Renewal Fee	\$/ * * 50
(DD) Preneed Agent Delinquent Renewal Fee	\$50
[(BB) Seller Annual Report Fee	\$ * *
[(CC) Seller Annual Report Late Fee	\$ * *
[(DD)](EE) Preneed Seller Agent Law Examination Fee	\$**
[(EE)](FF) Seller per Contract Annual Reporting Fee (for contracts executed on or after August 28, 2009)	\$36
[(FF)](HH) Amended Provider Application Fee	\$25
[(GG)](II) Amended Seller Application Fee	\$25

*This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure and to educational institutions of mortuary science. Furthermore, this fee will not be charged to licensees or any other individual, for additions or corrections to the law book after the initial copy is mailed.

**This fee is not yet determined by the board.

AUTHORITY: section 333.111.1, RSMo 2000 and section 333.340, RSMo Supp. 2009. This rule originally filed as 4 CSR 120-2.100. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency Amendment filed July 26, 2010, effective Aug. 5, 2010, expires Feb. 24, 2011. Amended: Filed July 26, 2010.

PUBLIC COST: This proposed amendment will increase revenue for state agencies or political subdivisions by approximately one hundred thirty-eight thousand six hundred fifty dollars (\$138,650) annually for the life of the rule. It is anticipated that the costs will recur for

the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately one hundred thirty-eight thousand six hundred fifty dollars (\$138,650) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Embalmers and Funeral Directors, PO Box 423, Jefferson City, MO 65102, by facsimile at 573-751-0813 or via email at embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2120 - State Board of Embalmers and Funeral Directors

Chapter 2 - General Rules

Proposed Rule - 20 CSR 2120-2.100 Fees

Prepared September 1, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Increase in Revenue
State Board of Embalmers and Funeral Directors	\$138,650

III. WORKSHEET

The State Board of Embalmers and Funeral Directors is statutorily obligated to enforce and administer the provisions of Chapter 333, RSMo and section 436.400 through 436.525, RSMo. Pursuant to Section 333.111, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 333 and sections 436.400 through 436.525, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 333, RSMo and sections 436.400 through 436.525, RSMo. The board estimates the projections calculated in the Private Entity Fiscal Note for this rule will be the amount of revenue collected for this rule.

IV. ASSUMPTION

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

PRIVATE FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2120 - State Board of Embalmers and Funeral Directors****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2120-2.100 Fees****Prepared July 19, 2010 by the Division of Professional Registration****II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
175	Provider (Delinquent Renewal Fee @ \$100.00)	\$17,500
350	Seller (License Application Fee Increase of \$125.00)	\$43,750
325	Seller (Annual Renewal Fee @ \$200.00)	\$65,000
25	Seller (Delinquent Renewal Fee @ \$200.00)	\$5,000
111	Preneed Agent (Annual Registration Renewal Fee @ \$50.00)	\$5,550
37	Preneed Agent (Delinquent Renewal Fee @ \$50.00)	\$1,850
	Estimated Annual Cost of Compliance with the Amendment for the Life of the Rule	\$138,650

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of applicants is based on FY11 actual licensee counts.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

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

**Division 2120—State Board of Embalmers and Funeral
Directors**

Chapter 2—General Rules

PROPOSED RESCISSION

20 CSR 2120-2.105 Preneed Fees. This rule established and fixed the fee for registration as a preneed contract seller and as a preneed contract provider.

PURPOSE: This rule is being rescinded as all fees associated with preneed are now stated in 20 CSR 2120-2.100.

AUTHORITY: sections 333.111(2), RSMo Supp. 1993 and 436.071, RSMo 1986. This rule originally filed as 4 CSR 120-2.105. Emergency rule filed Aug. 5, 1982, effective Aug. 15, 1982, expired Nov. 15, 1982. Original rule filed Aug. 5, 1982, effective Nov. 11, 1982. Amended: Filed Sept. 6, 1988, effective Dec. 11, 1988. Moved to 20 CSR 2120-2.105, effective Aug. 28, 2006. Rescinded: Filed July 26, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Embalmers and Funeral Directors, PO Box 423, Jefferson City, MO 65102, by facsimile at 573-751-0813 or via email at embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**Division 2205—Missouri Board of Occupational Therapy
Chapter 5—Continuing Competency Requirements**

PROPOSED RESCISSION

20 CSR 2205-5.010 Continuing Competency Requirements. This rule detailed the continuing competency requirements of a licensee to practice as an occupational therapist or an occupational therapy assistant.

PURPOSE: This rule is being rescinded and readopted to reorganize the Continuing Competency Credit (CCC) activities and to clarify what is/is not acceptable CCC.

AUTHORITY: sections 324.065 and 324.080, RSMo 2000 and section 324.086, RSMo Supp. 2007. This rule originally filed as 4 CSR 205-5.010. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Nov. 13, 2002, effective April 30, 2003. Amended: Filed Dec. 1, 2005, effective June 30, 2006. Moved to 20 CSR 2205-5.010, effective Aug. 28, 2006. Amended: Filed July 9, 2008, effective Jan. 30, 2009. Rescinded: Filed July 28, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Occupational Therapy, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at ot@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**Division 2205—Missouri Board of Occupational Therapy
Chapter 5—Continuing Competency Requirements**

PROPOSED RULE

20 CSR 2205-5.010 Continuing Competency Requirements

PURPOSE: This rule details the continuing competency requirements of a licensee to practice as an occupational therapist or an occupational therapy assistant.

(1) At the time of license renewal, the licensee shall verify completion of twenty-four (24) Continuing Competency Credits (CCC) on the renewal form. Failure to note verification of completion shall result in the license not being renewed. Falsification of verification may result in disciplinary action.

(2) Each licensee shall retain documentation of the CCCs verified on the renewal form for two (2) years following license renewal.

(3) At least fifty percent (50%) of the twenty-four (24) continuing competency credits must be directly related to the delivery of occupational therapy services and the remaining CCCs must be related to one's practice area or setting.

(4) A licensee who is or becomes licensed during a renewal cycle shall be required to obtain CCCs at the rate computed by the following formula:

(A) Formula: Number of months licensed during the renewal cycle divided by the total number of months in the reporting cycle then multiplied by the number of CCCs required for renewal during the reporting cycle resulting in a total number of CCCs required to complete for renewal this reporting cycle. When applicable, this total will then be rounded to the nearest whole number by applying the following rounding rule: round down to the nearest whole number if the digit to the right of the decimal is four (4) or less, round up to the nearest whole number if five (5) or more. Example: An occupational therapist becomes licensed September 1, 2004, the reporting cycle is twenty-four (24) months, ending June 30, 2005, and the annual requirement is twelve (12) hours per year. $10 \text{ months} \div 24 \text{ months} \times 24 = 9.9$ or round up to ten (10) hours (Licensee must have completed ten (10) CCCs to renew.)

(5) Conversion of Continuing Education Units (CEU) to Continuing Competency Credits (CCC)—

(A) One (1) CEU equals ten (10) Continuing Competency Credits;
(B) One (1) contact hour equals one (1) Continuing Competency Credit;

(C) Fifty (50) minutes equals one (1) Continuing Competency Credit; and

(D) One (1) Academic Credit Hour equals ten (10) Continuing Competency Credits.

(6) Acceptable types of continuing competency activities, corresponding degree of continuing competency credit and the required documentation are as follows:

Continuing Competency Activity	Minimum Continuing Competency Credit	Maximum Continuing Competency Credits	Audit Documentation
PRESENTING			
Making presentations for local Organizations/associations/groups on OT related topics (e.g. energy conservation, back care, and prevention of injury)	1 Hour equals 1 CCC	12 CCC	Date and location of presentation, copy of presentation or program listing; contact person for organization
Making professional presentations at state or national workshops, seminars, and conferences	1 Hour equals 2 CCC	24 CCC	Copy of presentation or program listing
Guest lecturer, teaching OT related academic course per semester (must not be one's primary role)	1 Credit Hour equals 3 CCC	24 CCC	Syllabus of course, course outline Verification letter from Dept. Chair
Providing professional in-service training and/or instruction for occupational therapists, occupational therapy assistants, and related professionals	1 Hour equals 1 CCC	12 CCC	Attendance records goals and objectives of in-service training Verification letter from supervisor
ATTENDING WORKSHOPS/COURSES/INDEPENDENT LEARNING			
Attending workshops, seminars, lectures, on-line courses, and professional conferences accepted by the certifying entity approved by the division	1 Hour equals 1 CCC	24 CCC	CEU, contact hours, certificates of attendance, letter from sponsor
Attending employer-provided continuing education	1 Hour equals 1 CCC	24 CCC	Attendance records, certificates
Reading a peer-reviewed, role-related professional article, and writing a report describing the implications for improving skills in one's specific role	1 article equals .5 CCC	12 CCC	Annotated bibliography and analysis of how articles impacted improving skills in one's role
Successful completion of formal academic coursework	1 Credit Hour equals 10 CCC	24 CCC	Official transcript from accredited college
Professional study group, minimum of 3 participants	3 Hours equals 1 CCC	24 CCC	Group attendance records; study group goals, analysis of goal attainment and learning
Independent learning with assessment element (online courses, CE articles, self-study series, etc.)	1 Hour equals 1 CCC	12 CCC	CEU's, contact hours
Independent learning without assessment element (audited coursework, multimedia course, etc.)	10 CCC	24 CCC	Certificate of completion
PUBLISHING			
Publication of article in non-peer-reviewed publication (e.g. OT Practice, SIS Quarterly, Advance, etc.)	1 Article equals 5 CCC	24 CCC	Copy of publication
Publication of chapter(s) in occupational or related professional textbook	1 Chapter equals 10 CCC	24 CCC	Copy of text, letter from editor
Publication of article in peer-reviewed professional publication (e.g. journals, book chapter, research paper)	1 Article equals 10 CCC	24 CCC	Copy of text, letter from editor
PROFESSIONAL SERVICES			
Mentoring a colleague to improve the skills of the protégé (Mentor)	20 Hours equals 3 CCC	12 CCC	Goals and objectives, analysis of mentee performance
Outcomes of Self-Assessment and Professional Development Plan	2 CCC for Self-Assessment and Professional Dev. Plan	2 CCC	Acceptable documents include the completed NBCOT Self-Assessment and Professional Development Plan describing how goals were met and impacted competence/skills

Reflective occupational therapy practice in collaboration with an advanced colleague to improve one's skill level	20 Hours equals 3 CCC	12 CCC	Mentor verification of skills, evaluation of Mentor and experience analysis of learning
Volunteer services to organizations, populations, individuals, that advance the reliance on the use of one's OT skills and experiences	10 Hours equals 2 CCC	12 CCC	Verification letter from organization Report describing outcomes of volunteer service provided
Extensive scholarly research activities, or extensive outcome studies	10 CCC	24 CCC	Grant funding number, abstract/executive summary and/or copies of the completed research/studies
FIELDWORK SUPERVISION			
Level II fieldwork day to day direct supervision OT or OTA	2 CCC per rotation (8-12 weeks)	24 CCC	Documentation required, name of student(s), letter of verification from school, dates of fieldwork
Entry-level or post-doctoral advanced fieldwork direct supervision (must not be one's primary role)	2 CCC per rotation (8-12 weeks)	24 CCC	Documentation required, name of student(s), letter of verification from school, dates of fieldwork

(7) Workshops, seminars, lectures, and professional conferences accepted by the certifying entity approved by the board shall automatically be accepted for license renewal.

(8) Audit of Continuing Competency Activities.

(A) A licensee is subject to an audit of the continuing competency activity documentation after the time of license renewal.

(B) The board may audit continuing competency activities as time and resources permit.

(C) Upon request the licensee shall submit to the board for review the continuing competency credit documentation verifying successful completion of continuing competency requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquiries.

(D) Failure to submit requested information to the board by the date requested or submission of inadequate or falsified records may result in disciplinary action.

(9) Upon application and for good cause shown, the board may excuse or extend the time for completion of some or all of the required continuing competency credits.

(A) An application shall be in writing and delivered to the board's office.

1. The board may require additional information or an interview with the board or its designee. Failure to timely respond or appear shall be grounds to deny the application.

2. If the application requests excuse of the credits, a statement of how competency is being maintained shall be part of the application.

3. If the application requests an extension of time, it shall include proposed activities.

(B) If an extension of time is granted, the continuing competency credits earned during the extension shall not be counted in the subsequent renewal period.

AUTHORITY: sections 324.065, 324.080, and 324.086, RSMo Supp. 2009. This rule originally filed as 4 CSR 205-5.010. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Nov. 13, 2002, effective April 30, 2003. Amended: Filed Dec. 1, 2005, effective June 30, 2006. Moved to 20 CSR 2205-5.010, effective Aug. 28, 2006. Amended: Filed July 9, 2008, effective Jan. 30, 2009. Rescinded and Readopted: Filed July 28, 2010.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-one thousand three hundred seventy dollars and thirty-three cents (\$21,370.33) biennially for the life of the rule. It is anticipated that the costs will recur for the life

of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately eight hundred eighty thousand two hundred sixty-three dollars and eighty cents to one million three hundred eighty-eight thousand eight hundred fifty-nine dollars and eighty cents (\$880,263.80-\$1,388,859.80) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Occupational Therapy, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at ot@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2205 - Missouri Board of Occupational Therapy

Chapter 5 - Continuing Competency Requirements

Proposed Rule - 20 CSR 2205-5.010 Continuing Competency Requirements

Prepared January 5, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
Missouri Board of Occupational Therapy	\$21,370.33
Total Biennial Cost of Compliance for the Life of the Rule	
	\$21,370.33

III. WORKSHEET

The License Technician II reviews the Continuing Competency Credit for completeness, prepares for board review, and sends follow-up letter to applicant as needed. The Executive Director assists the License Technician II and/or licensees when there are any discrepancies in documentation provided. The board approves the Continuing Competency Credit.

Continuing Competency Credit Processing Cost

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF APPLICATIONS	TOTAL COST
Executive	\$58,865.28	\$87,644.52	\$42.14	\$0.70	5 minutes	\$3.51	3853	\$13,529.42
Licensure Technician II	\$28,524.00	\$42,469.38	\$20.42	\$0.34	5 minutes	\$1.70	3853	\$6,555.87

**Total Biennial Personal Services Cost for Continuing
Competency Credit Processing \$20,085.29**

The License Technician II prepares and sends the Continuing Competency Credit Audit Notification letters and Audit Closure letters to randomly selected licensees. The Executive Director assists the License Technician II and/or licensees when there are any discrepancies in documentation provided.

Continuing Competency Audit Cost

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF APPLICATIONS	TOTAL COST
Executive	\$58,865.28	\$87,644.52	\$42.14	\$0.70	5 minutes	\$3.51	192	\$674.19
Licensure Technician II	\$28,524.00	\$42,469.38	\$20.42	\$0.34	5 minutes	\$1.70	192	\$326.69

**Total Biennial Personal Services Cost for Continuing
Competency Credit Audits \$1,000.88**

Expense and Equipment Dollars for Continuing Competency Credit Audits

Expense & Materials	Cost Per	Number	Total Cost
Letterhead (Notification Letter)	\$0.20	192	\$38.40
Envelopes (Notification Letter)	\$0.10	192	\$19.20
Postage (Notification Letter)	\$0.44	192	\$84.48
Letterhead (Closure Letter)	\$0.20	192	\$38.40
Envelopes (Closure Letter)	\$0.10	192	\$19.20
Postage (Closure Letter)	\$0.44	192	\$84.48
Total Biennial Expense and Equipment			\$284.16

IV. ASSUMPTION

1. The costs accounted for in this fiscal note are not actually new costs, but costs that already exist. All costs associated with a rule must be re-accounted for when rescinding and readopting a rule.
2. Figures are based on FY10 actuals. All Occupational Therapists and Occupational Therapist Assistants are required to comply with the the Continuing Competency Credit requirement. Only 5% of the total licensees are audited biennially.
3. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2205 - Missouri Board of Occupational Therapy****Chapter 5 - Continuing Competency Requirements****Proposed Rule - 20 CSR 2205-5.010 Continuing Competency Requirements**

Prepared January 5, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**First Year of Implementation of Rule**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3853	Licensees seeking Continuing Competency Credit (Continuing Competency Credits per renewal cycle @ \$228 - \$360)	\$878,484.00 - 1,387,080.00
3853	Licensees seeking Continuing Competency Credit (postage @ \$0.44)	\$1,695.32
192	Licensees randomly selected for Continuing Competency Credit Audit (postage @ \$.44)	\$84.48
Estimated Biennial Cost of Compliance for the Life of the Rule		\$880,263.80 - \$1,388,859.80

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The costs accounted for in this fiscal note are not actually new costs, but costs that already exist. All costs associated with a rule must be re-accounted for when rescinding and readopting a rule.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

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 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission on Human Rights under sections 213.030 and 213.075, RSMo 2000, the commission adopts a rule as follows:

8 CSR 60-4.040 Costs of Travel to Hearing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 17, 2010 (35 MoReg 765). 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 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission on Human

Rights under sections 213.030 and 213.075, RSMo 2000, the commission adopts a rule as follows:

8 CSR 60-4.045 Complainant's Testimony at Hearing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 17, 2010 (35 MoReg 765-766). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2009 and section 144.705, RSMo 2000, the director amends a rule as follows:

12 CSR 10-103.390 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2010 (35 MoReg 685). Changes have been made in the text of the proposed amendment. 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: The department received one (1) letter of comment on the proposed amendment.

COMMENT #1: Gregory M. Dennis, with Kent T. Perry & Co., L.C. representing the Missouri Veterinary Medical Association, requested changes to subsection (4)(E). The commenter suggests that sales tax should not be paid on the purchase of nonprescription eye drops administered by the veterinarian.

RESPONSE AND EXPLANATION OF CHANGE: The department does not agree entirely with the change suggested. The comment seems to suggest that there is no sales tax paid on the purchase of nonprescription eye drops administered by the veterinarian. Section 144.010.1(10), RSMo, states that a purchase of tangible property by a veterinarian and used in the practice of that profession is a purchase for use or consumption by the veterinarian. This means that the eye drops administered by the veterinarian are not sold to the customer for sales tax purposes even though there is a separate charge. There is no sales tax exemption for the purchase by a veterinarian of nonprescription medications. By contrast, there is no sales tax due on the purchase of the antibiotic shot by the veterinarian because it is a prescription medication exempt under section 144.030.2(18), RSMo. The comment, however, did indicate that the example needed to be clarified. The example has been changed to read as set forth below.

12 CSR 10-103.390 Veterinary Transactions

(4) Examples.

(E) A customer takes a sick cat to the veterinarian. The veterinarian examines the cat and gives the cat an antibiotic shot, administers nonprescription eye drops, and gives the customer a bottle of nonprescription eye drops to administer twice a day for two weeks, starting tomorrow. The bill reads as follows: Office visit \$25; Antibiotic

shot \$15; Eye drops \$5; Bottle of eye drops \$12; Total \$57. There is no tax due from the customer on the shot or eye drops administered by the veterinarian because the veterinarian uses them in providing the service. There is no tax due from the veterinarian on the purchase of the antibiotic shot because it is an exempt prescription drug. The veterinarian must pay tax on the purchase of the nonprescription eye drops administered in the office. The customer must pay tax on the purchase of the separate bottle of nonprescription eye drops.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 38—Adoption and Guardianship Subsidy

ORDER OF RULEMAKING

By the authority invested in the Children’s Division under section 453.073, RSMo Supp. 2009 and sections 210.506 and 453.074, RSMo 2000, the director adopts a rule as follows.

13 CSR 35-38.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2010 (35 MoReg 576–582). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Social Services, Children’s Division received thirteen (13) comments on the proposed rule.

COMMENT #1: A comment was received from the St. Louis University School of Law Legal Clinic which stated that the definition of the term “relative” in subsection (1)(L) should be amended to include persons related by adoption.

RESPONSE AND EXPLANATION OF CHANGE: The division agrees with this comment and will amend the definition of the term “relative.”

COMMENT #2: Another comment was received from the St. Louis University School of Law Legal Clinic that the regulation should be amended in subsection (2)(C) to reflect that the division is obligated to explain to parents about adoption subsidies prior to asking if they can adopt without the subsidy. Statutes require that parents be given information about subsidies, and this should be reflected in the regulations. Otherwise, if one reads this regulation without reading the statute, it might seem that workers should try to talk parents out of applying for subsidies without telling them what is available.

RESPONSE: The division respectfully disagrees with this comment and therefore will not accept the change as it is the expectation of the division that staff explain adoption subsidy to potential adoptive parents of children from foster care and thus it is not necessary to explicitly state it here.

COMMENT #3: Another comment was received from the St. Louis University School of Law Legal Clinic that section (5) should be amended to clarify that these regulations apply to families who have already adopted children.

RESPONSE: The division is not clear as to the intent of this comment and therefore no change will be made in light of it.

COMMENT #4: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (6)(E) should be amended to eliminate the reference to subsection “(5)(F)” as there is no such subsection in this regulation.

RESPONSE AND EXPLANATION OF CHANGE: The division accepts this change and will amend subsection (6)(E).

COMMENT #5: Another comment was received from the St. Louis University School of Law Legal Clinic that the word “may” in the first sentence of subsection (6)(F) should be replaced with the word “shall.” Without this change, this subsection places no affirmative obligation on the Children’s Division and is therefore arbitrary. Further, this subsection should include an exception for situations, such as emergencies, where it is not feasible to obtain a written agreement from the division prior to obtaining service.

RESPONSE AND EXPLANATION OF CHANGE: The division accepts the first change, and therefore subsection (6)(F) will be amended. However, the division does not accept the second change because the only exceptions for emergencies would be for medical situations which are addressed through Medicaid.

COMMENT #6: Another comment was received from the St. Louis University School of Law Legal Clinic that paragraph (6)(F)2. should be amended to provide an explanation of how an adoptive parent may establish that there is no service provider who is reasonably available. The term “reasonably available” should be defined.

RESPONSE: The division does not accept this change as defining the term “reasonably available” denies the division the flexibility it needs to provide services to adopted children.

COMMENT #7: Another comment was received from the St. Louis University School of Law Legal Clinic that paragraph (6)(G)4. should be amended to include a process to contest overpayment determinations.

RESPONSE AND EXPLANATION OF CHANGE: The division does not accept this change. However, to clarify that the appeals process set forth in section (15) is also applicable to overpayments, subsection (15)(A) is amended.

COMMENT #8: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (7)(A) should be amended to specify the method by which the four (4)-year period was arrived at and the reasons such period was selected.

RESPONSE: The division does not accept this change as the referenced four (4)-year period is set out in statute at section 453.065(2), (3), and (5), RSMo.

COMMENT #9: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (8)(B) should be amended to provide more details of what can be considered in determining whether or not to increase the rate currently being disbursed for the child in question. Further, this subsection should be further amended to provide that written reports and documents can be considered as evidence without the need for testimony.

RESPONSE: The division does not accept either of these changes because to further specify what can be considered in determining whether or not to increase the rate currently being disbursed for the child in question denies the division the flexibility it needs to provide services to adopted children. Moreover, the division also does not accept the change that this subsection should be further amended to provide that written reports and documents can be considered as evidence without the need for testimony because it is the opinion of the division that it is reasonably foreseeable that testimony may be necessary and/or desirous in appropriate cases and therefore the opportunity to elicit it should not be foreclosed.

COMMENT #10: Another comment was received from the St. Louis University School of Law Legal Clinic that paragraph (9)(B)2. should be amended to include an exception for emergencies in which prior approval and amendment to the subsidy agreement is not feasible.

RESPONSE: The division does not accept this change because there are procedures in the MO HealthNet program for payment of emergency medical services and the adoption subsidy program requires adoptive/guardian parents to exhaust those procedures in the event of a medical emergency.

COMMENT #11: Another comment was received from the St. Louis University School of Law Legal Clinic that the first sentence of subsection (11)(A) should be amended to read, "The Children's Division shall include in an adoption or guardianship subsidy a provision to pay reasonable nonrecurring adoption or legal guardianship expenses." The word "may" in the last sentence of this subsection should be replaced with the word "shall." If the above-referenced amendments are not made, this subsection should be amended to include an explanation of the process by which the Children's Division will determine whether or not to pay reasonable nonrecurring adoption or legal guardianship expenses. Such explanation should indicate the factors the Children's Division will consider in making such a determination.

RESPONSE: The division does not accept these changes to subsection (11)(A). The division used the word "may" as some adoptive parents choose not to request payment for non-recurring expenses and instead avail themselves of the Missouri and federal adoption tax credits. Therefore, the division used the term "may" as a means of affording adoptive parents the flexibility to do so, if they so choose.

COMMENT #12: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (12)(C) should be amended to read, "(C) Youth with Elevated Needs Level B—A child shall be placed in a Youth with Elevated Needs Level B Home if this service is determined necessary for the child by the Children's Division in conformity with 13 CSR 35-60.070. The Elevated Needs Level B Home is for the purpose of treating a child's behavioral issues so they may be successfully reintegrated into the Adoptive or Guardianship home." The determination of whether placement in a Youth with Elevated Needs Level B Home is necessary for the child shall be made by personnel within the Children's Division qualified to make such a determination. The determination shall be based on a full review of the needs of the child. The determination shall further be made in cooperation with the adoptive parent(s) or guardian(s). The Children's Division shall consider any and all information that the adoptive parent(s) or guardian(s) submit for review. The Children's Division shall further request information from all professionals who have provided diagnostic care or treatment for the child. If any professional who has provided diagnostic care or treatment for the child has opined whether or not residential services at a more intensive treatment level and higher rate are necessary, the Children's Division shall give deference to that opinion. Further, "Youth with Elevated Needs Level B Home" should be defined. This subsection should also specify the period of time within which the division shall be obligated to determine whether placement in a Youth with Elevated Needs Level B Home is necessary.

RESPONSE AND EXPLANATION OF CHANGE: The division accepts the first change and therefore subsection (12)(C) will be amended. The division does not accept the remainder of changes suggested in this comment as the addition of a second subsection as suggested to outline the decision-making process is not necessary as the process for determining the needs of a Youth with Elevated Needs Level B is clearly outlined in 13 CSR 35-60.070 and therefore to do so here would be redundant. Finally, the division does not accept the change of defining the term "youth with elevated needs."

COMMENT #13: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (12)(D) should be amended to read, "(D) Respite services shall be provided to adoptive parent(s) or guardian(s) on a case-by-case basis when a documented need exists. The services shall be paid for through subsidy and may be approved through the age of eighteen (18)."

RESPONSE: The division does not accept this change.

13 CSR 35-38.010 Adoption and Guardianship Subsidy

(1) Definitions. For purposes of this section, the following terms shall mean:

(L) Relative. A person related to another by blood, adoption, or affinity within the third degree (grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin).

(6) General Regulation Governing All Adoption and Guardianship Subsidy Agreements—The following provisions will govern all agreements for adoption and guardianship subsidy:

(E) Except as otherwise provided in subsection (6)(F) of this regulation, the division is not obligated to make payments to a provider for services authorized through a subsidy agreement, unless the division has a currently active contract with the provider. The division shall not be obligated to pay for any service provided by the service provider, unless the service provider provides an invoice satisfactory to the division itemizing the date the service was provided, describing the nature of the service provided, and stating the amount for the service. The division will pay services directly to the provider. The use of contracted providers is required when a contract may be established. All receipts submitted for reimbursement must be submitted within one hundred eighty (180) days of the service being provided. The division shall not be responsible for paying for any service billed or invoiced to the department later than one hundred eighty (180) days from the date that the service was provided.

(F) The division shall reimburse the adoptive parent(s) or guardian(s) for payments made directly by the adoptive parent(s) or guardian(s) to the provider where the provider of the service does not have a contract with the division only if the division agrees in writing before the service is provided to make the payment and if all of the following conditions are met:

1. The service is one (1) which the division has expressly agreed to pay in the subsidy agreement;

2. The adoptive parent(s) or guardian(s) establishes that there is no service provider having a contract with the division who is reasonably available to provide the service. In cases where the adoptive parent(s) or guardian(s) identifies an appropriate provider who does not have a contract with the division or the state, the division may decide, in its sole discretion, whether or not to enter into a contract with the provider and pay for the services directly, or whether to agree to reimburse the adoptive parent(s) or guardian(s) under this paragraph;

3. The adoptive parent(s) or guardian(s) provides timely documentation satisfactory to the division that the service has actually been provided and that it was provided by a qualified provider of the service. Documentation satisfactory to the division includes providing an invoice and a receipt prepared by the provider; and

4. The adoptive parent(s) or guardian(s) shall provide the invoice and paid receipt to the division no later than thirty (30) days from the date that the service was provided and paid for by the adoptive parent(s) or guardian(s), but under no circumstances shall the division be obligated to reimburse the adoptive parent(s) or guardian(s) for services provided later than ninety (90) days from the date that the services were provided; and

(12) Additional Services—An adoption or guardianship subsidy agreement may include provisions for the Children's Division to provide the following:

(C) Youth with Elevated Needs Level B—A child shall be placed in a Youth with Elevated Needs Level B Home if this service is determined necessary for the child by the Children's Division in conformity with the procedures and eligibility criteria set forth in 13 CSR 35-60.070 and a Level B home is available and has accepted the child for placement. The Elevated Needs Level B Home is for the purpose of treating a child's behavioral issues so they may be successfully reintegrated into the adoptive or guardianship home.

1. The adoptive parent(s) or guardian(s) are to be referred to the out-of-home care program, a voluntary case is to be opened, and services are to be offered in order to work towards reintegration into the adoptive or guardianship home.

2. Youth with Elevated Needs Level B placements may be authorized for only six (6) months at a time. Upon the sixth month, the need for placement and level of care must be reviewed in a Family Support Team (FST) meeting.

3. An amendment requesting funding for Youth with Elevated Needs Level B placements shall be submitted to the division for approval. The amendment must be signed by the director of the Children's Division before Youth with Elevated Needs Level B services may begin and payment for such services made.

4. With regard to agency liability of an adopted or guardianship child voluntarily placed in a Youth with Elevated Needs Level B placement, any legally recognized parent (biological or adoptive parent(s) or guardian(s)) is liable for the actions of his/her child as long as that adoptive parent(s) or guardian(s) have not been relieved of legal custody. If the division does not have legal custody of a child, the division is not liable for the child;

(15) Administrative and Judicial Review.

(A) Scope and Purpose. This establishes the procedures for the resolution of disputes involving the delay, overpayment, denial, amount, or type of adoption or guardianship subsidy for applicants for or participants in the adoption and/or guardianship subsidy program.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 60—Licensing of Foster Family Homes

ORDER OF RULEMAKING

By the authority invested in the Children's Division under section 453.073, RSMo Supp. 2009 and sections 207.020, 210.506, and 453.074, RSMo 2000, the director adopts a rule as follows.

13 CSR 35-60.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2010 (35 MoReg 582-584). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Social Services, Children's Division received twelve (12) comments on the proposed rule.

COMMENT #1: A comment was received from the St. Louis University School of Law Legal Clinic which stated, "Our clients want to ensure the new regulations apply to families who have adopted children through DFS and those who obtain guardianships. Section 13 CSR 35-38.010(8) states that adoptive parents and guardians can petition for Medical and Youth with Elevated Needs subsidies, but this right should also be referenced in 13 CSR 35-60.070. While there is a reference to adoption and guardianship subsidies in section (12) of 13 CSR 35-60.070, it is not clear elsewhere that the provisions of this regulation apply to adoption subsidies. The title of the regulation should be changed to something like: Services for Youth with Elevated Needs in Foster Care, Subsidized Adoptive Families, and Guardianships. Otherwise it looks like it only applies to foster care. In summary, the connection between the present regulation and 13 CSR 35-38.010 should be explained and clarified. The provisions should make clear that a child who is not in foster care, but rather has been adopted, or is in guardianship, is eligible for these subsidies and services. The regulation should also specify the type of evidence that can be considered, and make it clear that testimony is not required. It should state that reports from professionals will be considered without live testimony."

RESPONSE: As a preliminary matter, it should be noted that the Division of Family Services no longer exists and that the proposed rule was promulgated by the Children's Division. This change was not accepted as the utilization of Youth with Elevated Needs for youth adopted or in a guardianship arrangement is clearly explained in 13 CSR 35-38.010 as amended in the *Missouri Register* on April 1, 2010 (35 MoReg 576-582). All provisions in the Youth with Elevated Needs regulation, 13 CSR 35-60.070, do not apply to youth who are adopted or in a guardianship arrangement, 13 CSR 35-38.010. Likewise, the final comment is not accepted as the regulation clearly sets forth what evidence must be provided and what evidence will be considered. Moreover, the division anticipates that live testimony could be required in some cases and therefore a blanket statement proclaiming it unnecessary would be inappropriate and overly broad.

COMMENT #2: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (1)(G) should be amended to read, "(G) Selection/Screening Team—A team constituted to evaluate a youth's appropriateness for a higher level placement. The composition of the team shall be determined by the Children's Division and shall take into consideration the type of expertise necessary to assess the unique needs of the youth being assessed. The team shall include the following individuals: case manager, supervisor, and the circuit or regional specialist or designated facilitator. The selection/screening team shall be composed of persons qualified to evaluate the specific and unique needs of the youth being assessed through specialized education, training, or other significant experience."

RESPONSE: This change was not accepted as it is redundant in light of the requirement stated in the rule that the division take into consideration the type of expertise necessary to assess the unique needs of the youth being assessed.

COMMENT #3: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (2)(A) should be amended to read, "(A) Children in need of foster care will be placed in the least restrictive setting in a traditional foster home. In the event that the child's condition or behaviors indicate that the child requires a higher level of care, the Children's Division will assess the youth's needs to determine which is the least restrictive, but most appropriate, placement to meet the needs of the particular youth based on available resources. The Children's Division shall conduct an elevated needs assessment on the recommendation of the child's family support team, any member of the family support team, or at the written request of the child's resource provider." Further, it was asserted that this subsection should further specify the period of time within which the Children's Division shall be obligated to conduct, complete, and render a determination regarding the elevated needs assessment and should provide a grievance process through which a foster parent may dispute the result of the elevated needs assessment.

RESPONSE: This change was not accepted as the division does not agree that it is required to conduct an elevated needs assessment on the recommendation of the child's family support team, any member of the family support team, or at the written request of the child's resource provider. Further, the division does not accept the change that there should be a time constraint imposed upon the division to conduct, complete, and render a determination regarding the elevated needs assessment because to do so could be detrimental to youth being considered in that it could prove overly restrictive and thereby serve to exclude exploration of issues that are relevant to the determination. Finally, the comment that there be a grievance procedure spelled out in this subsection is not accepted because any decision regarding an adoption/guardianship subsidy is subject to the grievance procedure in 13 CSR 35-38.010. Moreover, the division is in the process of drafting regulations instituting grievance procedures for foster parents that are consistent with current policy.

COMMENT #4: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (2)(B) should be amended to read, "(B) The elevated needs assessment shall be conducted by the selection/screening team which will decide if the youth is an appropriate candidate for the program by considering the individual needs of the youth, the presenting behaviors of the youth, and the impact such behaviors have in the placement setting. Youth eligible for elevated needs should have more than one (1) presenting problem as listed in Presenting Problems Displayed By the Youth with Elevated Needs—Level A and Presenting Problems Displayed By the Youth with Elevated Needs—Level B sections of this regulation."

RESPONSE AND EXPLANATION OF CHANGE: Agreed; this change is accepted.

COMMENT #5: Another comment was received from the St. Louis University School of Law Legal Clinic that paragraph (2)(C)1. should be amended to read, "(C) Upon evaluation, the selection/screening team shall conclude— 1. That the youth is not appropriate for the Youth with Elevated Needs Program."

RESPONSE AND EXPLANATION OF CHANGE: Agreed; this change is accepted.

COMMENT #6: Another comment was received from the St. Louis University School of Law Legal Clinic that paragraph (2)(C)2. should be amended to stipulate what measures shall be taken or alternatives explored when it is determined that a youth is appropriate for an elevated needs level home, but that such a home is not available in the county of origin or in nearby counties.

RESPONSE: This change was not accepted because the decision as to what measures shall be taken or alternatives explored when it is determined that a youth is appropriate for an elevated needs level home, but that such a home is not available in the county of origin or in nearby counties are made on a case-by-case basis according to individual youth needs and the recommendations of the family support team.

COMMENT #7: Another comment was received from the St. Louis University School of Law Legal Clinic that paragraph (3)(A)2. is nebulous and should be amended to read, "2. Youth lacking a viable placement in a traditional foster family home or in their family home, and who, because of their presenting problems, would be placed in a residential setting unless an available Level A foster home can be found."

RESPONSE AND EXPLANATION OF CHANGE: Agreed; this change is accepted.

COMMENT #8: Another comment was received from the St. Louis University School of Law Legal Clinic that "some of the characteristics for Level A are similar to those in Level B. For example, Level A, subsection (6)(D), states: "Significant and extraordinary oppositional and/or defiant behaviors when dealing with authority figures which pose a significant risk to the health and safety of the child or to others." Meanwhile, Level B subsection (7)(I) says "Oppositional Defiant Disorders." Since the regulation says if a child is eligible for Level A, he's not eligible for Level B, this could be used to say a child with oppositional defiance can't get services at either level because he qualifies for both."

RESPONSE: This change is not accepted because Level A outlines behaviors while Level B requires that a diagnosis has been made. Therefore, a child will either exhibit the behaviors without a diagnosis, and thus qualify for Level A, or s/he will exhibit the behaviors and have a diagnosis from a competent professional and thus qualify for Level B.

COMMENT #9: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (8)(B) should be removed because "as subsection (8)(B) of this regulation precludes

children who qualify for Level A Elevated Needs from qualifying for Level B Elevated Needs, a child who exhibits symptoms from both elevated needs levels is necessarily precluded from qualifying for either level. This should not be the effect of the regulation."

RESPONSE AND EXPLANATION OF CHANGE: The division agrees with this observation and therefore amends renumbered subsection (8)(B) to read, "Youth who qualify for a higher level of care and meet the criteria for Youth with Elevated Needs Level B." Further, a new section (3) will be added.

COMMENT #10: Another comment was received from the St. Louis University School of Law Legal Clinic that proposed section (8) should be amended to read, "(8) Youth Who May Not be Appropriate for Level B. Youth who may not be appropriate for Level B may include, but are not limited to, the following:" Further, it was also suggested that proposed section (8) should also make reference to what assistance or programs are available to a youth who may not be appropriate for Level B under this section.

RESPONSE AND EXPLANATION OF CHANGE: As to the first proposed change, the division agrees and the section will be amended. As to the second comment, this change will not be accepted because what assistance or programs are available to a youth who is determined to be not appropriate for Level B is determined on a case-by-case basis and therefore a blanket statement cannot be made regarding that assistance or programs.

COMMENT #11: Another comment was received from the St. Louis University School of Law Legal Clinic that subsection (8)(B) should be removed because, "as subsection (7)(B) of this regulation precludes children who qualify for Level B Elevated Needs from qualifying for Level A Elevated Needs, a child who exhibits symptoms from both elevated needs levels is necessarily precluded from qualifying for either level."

RESPONSE AND EXPLANATION OF CHANGE: The division agrees with this observation and therefore amends subsection (9)(B). Further, as previously stated, a new section (3) will be added.

COMMENT #12: Another comment was received from the St. Louis University School of Law Legal Clinic that there are many children excluded from the elevated subsidies by sections (7) and (8). What happens to them?

RESPONSE: Youth who do not qualify for either Level A or Level B receive services in traditional foster care, or are considered for residential placement or medical level of care. A rule is forthcoming for residential and medical foster care.

13 CSR 35-60.070 Foster Care Services for Youth with Elevated Needs

(2) Process for Determining Youth with Elevated Needs.

(B) The elevated needs assessment shall be conducted by the selection/screening team which will decide if the youth is an appropriate candidate for the program by considering the individual needs of the youth, the presenting behaviors of the youth, and the impact such behaviors have in the placement setting. Youth eligible for elevated needs should have more than one (1) presenting problem as listed in Presenting Problems Displayed By the Youth with Elevated Needs—Level A and Presenting Problems Displayed By the Youth with Elevated Needs—Level B sections of this regulation.

(C) Upon evaluation, the selection/screening team shall conclude—

1. That the youth is not appropriate for the Youth with Elevated Needs Program;
2. That the youth is appropriate, but a compatible home is not available in the county of origin or nearby counties; or
3. The youth is appropriate and there is a compatible home.

(3) Payment will be made for the least restrictive level of care found to be appropriate for the youth as determined by the screening team. The resource provider will only receive payment for one (1) level of care for the youth. The division will not make multiple payments for the same level of care to the same provider for the same youth.

(4) Characteristics of a Youth with Elevated Needs—Level A.

(A) Youth with Level A Elevated Needs require significantly greater structure and supervision and are significantly less able to assume responsibility for their daily care than youth in traditional foster care. These youth typically, but not always, have experienced multiple out-of-home placements. Youth appropriate for Level A fall into one (1) of two (2) categories—

1. Youth presently in a residential setting who may be moved to a less restrictive setting, but are not reasonably able to effectively function in a traditional foster home or in their parents' home; or

2. Youth lacking a viable placement in a traditional foster family home or in their family home, and who, because of their presenting problems, would be placed in a residential setting unless an available Level A foster home can be found.

(5) Characteristics of a Youth with Elevated Needs—Level B.

(A) Youth with Level B Elevated Needs have significantly serious emotional and/or behavioral problems that require the twenty-four (24) hour availability of a highly-skilled Level B resource parent. These youth—

1. Because of their presenting problems, would be placed in a level III or above residential treatment facility or psychiatric hospital; and

2. Have been discharged from a residential treatment facility or psychiatric hospital and are unable to function effectively in a traditional foster home.

(6) Presenting Problems Displayed By the Youth with Elevated Needs—Level A. Level A children have a documented history of presenting behaviors which render the child unable to effectively function outside of a highly structured setting. Examples of behaviors which the Children's Division may consider include, but are not limited to:

(A) Significant behaviors which, if not modified, could result in the youth being designated as a status offender/juvenile delinquent;

(B) History of irresponsible or inappropriate sexual behavior, which has resulted in the need for extraordinary supervision;

(C) Significant, extraordinary, threatening, intimidating, or destructive behavior which is demonstrated by multiple incidents over a period of time;

(D) Significant and extraordinary oppositional and/or defiant behaviors when dealing with authority figures which pose a significant risk to the health and safety of the child or to others;

(E) Significant and extraordinary problems with peer-to-peer interactions which pose a significant risk to the health and safety of the child and/or his or her peers;

(F) Significant and extraordinary behavioral and academic problems at school that affect academic achievement or social adjustment;

(G) Significant and extraordinary conduct problems with lying, stealing, or manipulating;

(H) Significant and extraordinary problems with his or her ability to control and/or appropriately express anger;

(I) Significant problems with the abuse of alcohol and controlled substances;

(J) Oppositional behavior which contributes to placement disruptions and the inability to function productively with peers, parent figures, birth family, etc.;

(K) Any of the above behaviors, coupled with medical problems; or

(L) Any of the above behaviors displayed by one (1) or more youth within a sibling group, qualifying the entire sibling group for placement together, if appropriate. However, not all of the youth within the

sibling group would be eligible for the Level A maintenance rate.

(7) Presenting Problems Displayed By the Youth with Elevated Needs—Level B. Level B children have a documented history of presenting behaviors or diagnoses which render the child unable to effectively function outside of a highly structured setting. Examples of behaviors or diagnoses which the Children's Division may consider include, but are not limited to:

(A) History of suicide or currently having suicidal thoughts, statements, and/or gestures;

(B) Affective disorders;

(C) Attention Deficit Disorder;

(D) Post-Traumatic Stress Disorder;

(E) Eating disorders;

(F) Panic disorders;

(G) Fears/phobias;

(H) Obsessive/Compulsive Disorders;

(I) Oppositional Defiant Disorders;

(J) Depression/withdrawal;

(K) Dissociative behaviors, black out, pass out, seizure;

(L) Anger/rage;

(M) History of fire setting;

(N) Destruction of property;

(O) Failure to form emotional attachments; and

(P) Multiple short-term placements.

(8) Youth Who May Not be Appropriate for Level A. Youth who may not be appropriate for Level A may include, but are not limited to, the following:

(A) Children who may function successfully in a traditional foster home or adoptive or guardianship placement;

(B) Youth who qualify for a higher level of care and meet the criteria for Youth with Elevated Needs Level B;

(C) Children under the age of three (3) who cannot be treated effectively through the behavior modification treatment model;

(D) Youth who exhibit severe psychiatric behavior, as diagnosed by a psychiatrist/psychologist, such as an obvious lack of emotional contact, affect disturbances, and/or severe thought distortions;

(E) Youth with a recent history of extreme or dangerous physical aggression;

(F) Youth with a recent history of fire setting;

(G) Youth who have recently attempted suicide and continue to have suicidal ideations;

(H) Youth with an IQ score below sixty-five (65);

(I) Youth who are medically diagnosed as chemically dependent;

(J) Youth with severe medical or physical handicaps which present barriers that the child cannot or will not overcome;

(K) Youth whose primary presenting problem, as diagnosed by a psychiatrist/psychologist, is sexual addiction and who need extremely structured treatment and unusually close supervision; or

(L) Youth with personality disorders, as diagnosed by a psychiatrist/psychologist, who have severe problems forming attachments with caretakers and significant others.

(9) Youth Who May Not be Appropriate for Level B. Youth who may not be appropriate for Level B may include, but are not limited to, the following:

(A) Children who may function successfully in a traditional foster home or adoptive or guardianship placement;

(B) Youth who qualify for a lower level of care and meet the criteria for Youth with Elevated Needs Level A;

(C) Actively suicidal;

(D) Homicidal;

(E) Compulsive fire setter;

(F) Sexual abuse offender which might endanger other family members;

(G) Require around-the-clock awake supervision;

(H) Unable to function in school, and alternative program (day

treatment) is not available; and

(I) Youth who have demonstrated behaviors that pose a significant risk of harm to the youth or others which require professional treatment in a hospital or institutional or structured residential care setting.

(10) Working with Youth with Developmental Delays. Youth with developmental delays may, or may not, be appropriate for Level B Foster Care. Appropriateness for Level B Foster Care should be based on the selection/screening team and/or the family support team (FST) evaluation of all the circumstances surrounding that particular youth. Youth should not be ruled out for Level B based solely on the singular characteristic of an IQ score falling below sixty-five (65). Instead, the team should consider a variety of information including, but not limited to, the following:

- (A) Youth's functioning level;
- (B) Severity of developmental delays;
- (C) Ability for self-care;
- (D) Type of behavior problems;
- (E) Level of physical aggressions;
- (F) Age;
- (G) Compliance; and
- (H) Need for supervision.

(11) Level A Resource Provider Training Requirements. In order to qualify as a Level A resource provider, the resource provider shall complete all required hours of pre-service training in addition to successful completion of eighteen (18) hours of specialized training workshops from the following topics:

- (A) Team and relationship building;
- (B) Communication skills;
- (C) Behavior management techniques;
- (D) Discipline and punishment procedure;
- (E) Management of behavior crisis situations;
- (F) Development of an individual treatment plan;
- (G) De-escalation skills;
- (H) Negotiation;
- (I) Positive reinforcement technique; or
- (J) Professional skills for foster parents.

(12) Level B Resource Training Requirements. In order to qualify as a Level B resource provider, the resource provider shall complete all required hours of pre-service training, complete eighteen (18) hours of Level A specialized training, and participate in the following nine (9) hours of specialized training and practicum designed specifically for Level B resource providers:

- (A) Crisis Intervention—Two (2) hours;
- (B) Behavior Management—Two (2) hours;
- (C) Suicide Management—Two (2) hours;
- (D) Medication Management—Two (2) hours; and
- (E) Family Orientation—One (1) hour (training shall include how the severely emotionally disturbed or behavior disordered child may impact the resource provider's family).

(13) Reviews. The Children's Division will conduct reviews to ensure that progress is being made toward permanency throughout the Level A or Level B placement. The division shall conduct reviews as often as the division determines is necessary to assess the needs of the child. However, the division shall convene the selection/screening team to assess the child's placement at least every one hundred eighty (180) days. Children covered by an adoption subsidy or guardianship subsidy agreement will be reviewed at least every two (2) years. The division will seek a less restrictive setting once the youth's presenting problems have been replaced with appropriate coping behaviors. The decision to terminate the child's placement in a Level A or B setting shall be made solely by the Children's Division. In making the decision, the division shall consult with and consider the recommendation of the FST.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 500—Property and Casualty
Chapter 2—Automobile Insurance**

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 Supp. 2009, the director amends a rule as follows:

20 CSR 500-2.300 Cancellation and Nonrenewal of Automobile Insurance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2010 (35 MoReg 691). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
FISCAL YEAR 2011 BUDGET PLAN**

PURPOSE: This proposed budget is filed in compliance with the provisions of section 323.025.10, RSMo Supp. 2009, which requires the Missouri Propane Gas Commission to prepare and submit a budget plan for public comment.

INCOME:

Estimated Assessments*	\$371,700
Interest Income	\$ 500
Total Income:	\$372,200

EXPENSES:

Furnishings, Equipment, and Vehicle	\$ 36,200
Rent, Utility, and Communication Expenses	\$ 31,100
Professional and Contract Services	\$ 42,800
Operating Expenses	\$ 36,500
Personnel Expenses	\$270,500
Employee Benefits	\$ 50,900
Inspection and Meeting Expenses	\$ 70,500
Commissioner Expenses	\$ 24,300
Insurance Expenses	\$ 9,600
Total Expenses:	\$572,400

*Assessment rates: 2/10 cent from 7/1/2010 to 9/30/2010 and 1/10 cent from 10/1/2010 to 6/30/2011.

The deficit for the fiscal year 2011 budget will be funded with the Unrestricted Fund Balance from the previous fiscal years. The expected amount to be used from the Unrestricted Fund Balance is \$200,200.

AUTHORITY: section 323.025.10, RSMo Supp. 2009.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed budget with the Missouri Propane Gas Commission, 4110 Country Club Drive, Ste. 200, Jefferson City, MO 65109-0302. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 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 expedited applications listed below. A decision is tentatively scheduled for September 21, 2010. These applications are available for public inspection at the address shown below:

Date Filed

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

07/26/10

#4495 RP: Oakdale Assisted Living
Poplar Bluff (Butler County)
\$573,500, Long-term care (LTC) expansion through the purchase of 38 residential care facility (RCF) beds from L & J Residential Care Facility, St. Peters, MO

08/10/10

#4553 RP: Autumn Ridge
Herculaneum (Jefferson County)
\$34,000, LTC expansion through the purchase of four RCF beds from Colonial House of Festus I, LLC, and two RCF beds from Colonial House of Festus II, LLC

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 September 9, 2010. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
Post Office Box 570
Jefferson City, MO 65102

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

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law and whose Notice of Conviction has been filed with the Secretary of State pursuant to section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works 1) to Michael B. Robin, 2) to any other contractor or subcontractor that is owned, operated, or controlled by Mr. Robin, including Plumbco, Inc., or 3) to any other simulation of Mr. Robin or of Plumbco, Inc., for a period of one (1) year, or until December 17, 2010.

Name of Contractor	Name of Officers	Address	Date of Conviction	Debarment Period
Michael B. Robin DBA Plumbco, Inc. Case No. 09AO-CR01174		7534 Heron Drive Neosho, MO 64804	12/17/09	12/17/2009-12/17/2010