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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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| October 1, 2009 | November 2, 2009 | November 30, 2009 | December 30, 2009 |
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| June 1, 2010 | July 1, 2010 | July 31, 2010 | August 30, 2010 |
| June 15, 2010 | July 15, 2010 | July 31, 2010 | August 30, 2010 |
| July 1, 2010 | August 2, 2010 | August 31, 2010 | September 30, 2010 |
| July 15, 2010 | August 16, 2010 | August 31, 2010 | September 30, 2010 |

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

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HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

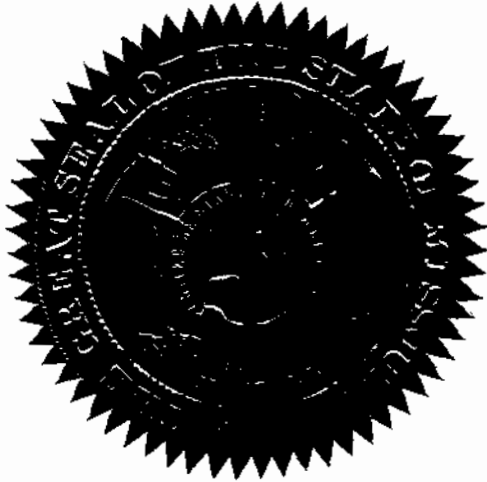
The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2009.

EXECUTIVE ORDER 10-14


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

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


| | |
|--|-----------------------|
| Office of Administration | Doug Nelson |
| Department of Agriculture | Jeff Mazur |
| Department of Conservation | Daniel Hall |
| Department of Corrections | Edward R. Ardini, Jr. |
| Department of Economic Development | Doug Nelson |
| Department of Elementary and Secondary Education | Jeff Harris |
| Department of Health and Senior Services | Deborah Price |
| Department of Higher Education | Jeff Harris |
| Department of Insurance, Financial Institutions and Professional Registration | Mary Nelson |
| Department of Labor and Industrial Relations | Jeff Harris |
| Department of Mental Health | Doug Nelson |
| Department of Natural Resources | Doug Nelson |
| Department of Public Safety | Edward R. Ardini, Jr. |
| Department of Revenue | Doug Nelson |
| Department of Social Services | Jeff Harris |
| Department of Transportation | Daniel Hall |
| Missouri Housing Development Commission | Rex Burlison |
| Boards Assigned to the Governor | Mary Nelson |
| Unassigned Boards and Commissions | Mary Nelson. |



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of January, 2010.


Jeremiah W. (Jay) Nixon
Governor

ATTEST:


Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
10-15**

WHEREAS, the Department of Health and Senior Services is established by Chapter 192, RSMo; and

WHEREAS, the Missouri Department of Transportation is established by Article IV, Section 12, of the Missouri Constitution and Chapter 226, RSMo; and

WHEREAS, Chapters 306 and 577, RSMo, require the Missouri Department of Health and Senior Services to license and regulate the chemical analysis used in determining the alcohol or drug content of motor vehicle and watercraft operators; and

WHEREAS, the Breath Alcohol Program is responsible for performing on-site inspection of breath analyzers, as well as approving permits to operate and maintain evidential breath analyzers; permits to analyze blood, urine, and saliva for drugs; and courses to instruct permit holders in the use of breath analyzer equipment; and

WHEREAS, the Breath Alcohol Program was established to ensure that alcohol and drug testing is conducted in a uniform way throughout the state; and

WHEREAS, pursuant to Sections 26.500-26.540, RSMo, Executive Order 07-05 and Reorganization Plan No. 1, providing for the transfer of the Breath Alcohol Program from the Department of Health and Senior Services to the Missouri Department of Transportation, were filed with the General Assembly and were not disapproved; and

WHEREAS, unforeseen administrative issues made the transfer inefficient and not cost effective; and

WHEREAS, the Department of Health and Senior Services has the necessary expertise to administer the Breath Alcohol Program.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Missouri Department of Transportation and the Department of Health and Senior Services to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Breath Alcohol Program from the Missouri Department of Transportation to the Department of Health and Senior Services, by Type I transfer as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Breath Alcohol Program to the Department of Health and Senior Services; and
3. Transfer the responsibility for staff support for the Breath Alcohol Program from the Missouri Department of Transportation to the Department of Health and Senior Services; and

4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective August 28, 2010, unless disapproved within sixty days of its submission to the Second Regular Session of the 95th General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of January, 2010.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
10-16**

WHEREAS, the Department of Elementary and Secondary Education is established by Chapter 161, RSMo; and

WHEREAS, the Department of Higher Education is established by Article IV, Section 52 of the Missouri Constitution, and Chapter 173, RSMo; and

WHEREAS, the State of Missouri has many higher education grant and scholarship programs administered by several government agencies; and

WHEREAS, this causes difficulty for Missouri students and parents trying to determine how much state aid is available to assist them with higher education expenses; and

WHEREAS, the A+ Schools Program is established by Section 160.545, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the A+ Schools Program (1) provides a mechanism to improve public schools in Missouri and (2) grants scholarships to qualifying Missouri students at community colleges and vocational or technical schools; and

WHEREAS, the functions of executive departments may be reassigned using the procedure set forth in Sections 26.500 through 26.540, RSMo; and

WHEREAS, the public school improvement portion of the A+ Schools Program should continue to be administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Department of Higher Education currently administers the vast majority of state educational grants and scholarships and has significant expertise in all areas of higher education funding; and

WHEREAS, centralizing state grant and scholarship programs in the Department of Higher Education simplifies the process for parents and students applying for various types of financial aid and seeking information about post-secondary education; and

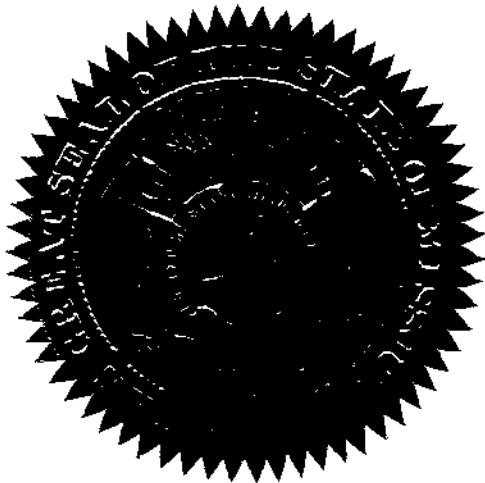
WHEREAS, I am committed to promoting new pathways to higher education and consolidating executive branch operations to ensure that the state delivers vital services as efficiently and effectively as possible.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Department of Elementary and Secondary Education and the Department of Higher Education to cooperate to:


1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the scholarship portion of the A+ Schools Program from the Department of Elementary and Secondary Education to the Department of Higher Education, by Type I transfer as defined under the Reorganization Act of 1974.

2. Develop mechanisms and processes necessary to effectively transfer the scholarship portion of the A+ Schools Program to the Department of Higher Education;
3. Transfer the responsibility for staff support for the scholarship portion of the A+ Schools Program from the Department of Elementary and Secondary Education to the Department of Higher Education;
4. Ensure the continued administration of the school improvement portion of the A+ Schools Program by the Department of Elementary and Secondary Education.
5. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation.

This Order shall become effective August 28, 2010, unless disapproved within sixty days of its submission to the Second Regular Session of the 95th General Assembly.




IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of January, 2010.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Robin Carnahan
Secretary of State

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

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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85—Division of Business and Community Services

Chapter 7—Entrepreneurial Development Council

PROPOSED RULE

4 CSR 85-7.010 Entrepreneurial Development Council

PURPOSE: This rule establishes the terms for members of the Entrepreneurial Development Council, sets the initial registration fee for the council, and describes the council's powers and duties.

(1) Definitions. The following terms have the following meanings for purposes of this rule:

(A) "Council" shall mean the Entrepreneurial Development Council established by section 620.050, RSMo.

(B) "Fund" shall mean the Entrepreneurial Development and Intellectual Property Right Protection Fund established in the state treasury.

(2) The Council.

(A) The council shall consist of seven (7) members who are either licensed attorneys with specialization in intellectual property matters or representatives of businesses located within the state. Initially, the governor shall appoint one (1) member for a one (1)-year term beginning July 1, 2010, and ending June 30, 2011; two (2) members for a two (2)-year term beginning July 1, 2010, and ending June 30, 2012; two (2) members for a three (3)-year term beginning July 1, 2010, and ending June 30, 2013; and two (2) members for a four (4)-year term beginning July 1, 2010, and ending June 30, 2014. Thereafter, the governor shall appoint members for a four (4)-year term, except that all vacancies shall be filled for unexpired terms for the same periods as set by the original appointments.

(B) The council shall hold at least four (4) meetings each year, at times and places fixed by the council, for the purpose of administering and performing the duties and powers charged to it. Other meetings may be held at times and places on the call of the council's chairperson.

(C) For all matters, motions, or questions pending before the council, the council must vote, and a quorum of council members must be present in order for a vote to occur. Four (4) voting members shall constitute a quorum. In order to make a decision or act on any matter, motion, or question pending before the council, a simple majority of voting council members must vote in favor of the decision or action.

(D) At its first regular meeting, the council shall elect a chairperson to serve a term of one (1) year. Each chairperson shall serve a term of one (1) year, but chairpersons may be elected to successive terms. The chairperson shall be the administrative and executive officer of the council and it shall be his or her duty to supervise and expedite the work of the council. Upon the expiration of the chairperson's term, whether or not he or she is reappointed, or upon the chairperson not being able to complete his or her term, the council shall elect a chairperson at its next regular meeting.

(3) Registration Fee.

(A) Every entrepreneur of this state who desires to avail himself or herself of the benefits provided by the council must register with the council and must pay an annual registration fee. The initial registration fee shall be one hundred dollars (\$100). On an ongoing basis, the council shall gather empirical data and evidence concerning council costs in the past, as well as anticipated costs in the future, and may annually set the registration fee in an amount it believes will be sufficient to cover such costs. The annual registration fee shall be the same for all entrepreneurs.

(B) All fees received by the council shall be deposited in the state treasury and shall be credited toward the fund. All administrative costs and expenses of the council shall be paid from the fund.

(4) Low-Interest Loans and Grants to Registered Entrepreneurs.

(A) For the purpose of providing financial aid for product development, manufacturing, and advertising of new products, the council may allocate grants and low-interest loans to registered entrepreneurs to provide financial assistance for product development, manufacturing, and advertising of new products. The determination of whether a registered entrepreneur needs assistance from the council and the fund for product development, manufacturing, and advertising of new products, and any resulting allocation the council makes to registered entrepreneurs in connection with product development, manufacturing, and advertising of new products, shall be at the council's sole discretion based upon 1) the entrepreneur's demonstrated financial need and 2) the product's likely commercial success.

However, in no event may the council allocate more than ten thousand dollars (\$10,000) per year to any single registered entrepreneur for his or her product development, manufacturing, or advertising expenses.

(B) The allocation of what percentage of moneys in the fund shall be used for grant awards, low-interest loans, and other forms of financial assistance for the purpose of product development, manufacturing, or marketing expenses shall be at the council's sole discretion.

AUTHORITY: section 620.050, RSMo Supp. 2009. Original rule filed Jan. 27, 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 could cost private entities two thousand dollars (\$2,000) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, Room 680, Truman State Office Building, 301 West High Street, Jefferson City, Missouri 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Title 4 – Department of Economic Development
Division Title: Division 85 – Division of Business and Community Services
Chapter Title: Chapter 7 – Entrepreneurial Development Council**

| | |
|-------------------------------|--|
| Rule Number and Title: | 4 CSR 85-7.010 Entrepreneurial Development Council |
| Type of Rulemaking: | Proposed |

II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the rule: | Classification by types of the business entities which would likely be affected: | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: |
|---|--|--|
| The Department of Economic Development estimates that twenty entrepreneurs will register with the Entrepreneurial Development Council established by section 620.050, RSMo (the "Council"). | Entrepreneurs that desire to avail themselves of the benefits provided by the Council (Registration fee initially @ \$100 per entrepreneur subject to possible annual adjustments in the discretion of the Council). | Assuming that twenty entrepreneurs register with the council, the cost will be \$2,000 in the aggregate. |

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

1. Pursuant to section 620.050.2, RSMo, the Council shall, as provided by department rule, impose a registration fee sufficient to cover costs of the program for entrepreneurs of this state who desire to avail themselves of benefits, provided by the Council, to registered entrepreneurs.
2. The Department estimates that twenty entrepreneurs will register with the Entrepreneurial Development Council. Since the initial registration fee is set at \$100, the total cost of compliance with the rule by all those registered entrepreneurs would be \$2,000.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 350—State Programs**

PROPOSED RULE

5 CSR 50-350.050 Persistence to Graduation Program Grants

PURPOSE: This rule is to establish procedures for section 160.950, RSMo, pertaining to grants to schools for the establishment of drop-out prevention programs.

(1) The State Board of Education (board) will authorize two (2) types of grants: competitive, first-year grants and noncompetitive continuation grants for second, third, fourth, and fifth year of funding (maximum funding of five (5) consecutive years).

(2) Eligible applicants shall include school districts that have student populations of which sixty (60) percent or greater is eligible for free and reduced lunch on the last Wednesday in January for the preceding school year.

(3) Annually, a request for proposal shall be developed by the Department of Elementary and Secondary Education (department) for dissemination to the public schools. The request for proposal shall contain the following:

- (A) The maximum grant amounts;
- (B) The date upon which applications shall be due;
- (C) The grant application forms; and
- (D) Program criteria upon which the grants will be evaluated.

(4) Proposals for Persistence to Graduation Grants that demonstrate the following will be given preference for approval:

(A) A comprehensive, holistic approach to drop-out prevention directed at a broad array of students, pre-kindergarten through early adulthood;

(B) A collaborative approach between the school district and various community organizations, including nonprofit organizations, law enforcement agencies, and other approved public and private institutions, to deliver proven, research-based intervention strategies;

(C) Activities and early intervention strategies, including family engagement, early childhood education, early literacy development, family literacy, and mental health detection and treatment;

(D) Implementation or augmentation of core drop-out prevention strategies that include mentoring, tutoring, alternative schools, and before- and after-school programs;

(E) Implementation of early intervention strategies for students who display strong indicators that they will not persist to graduation; and

(F) A student-centered approach whereby activities are designed to meet the particular needs of individual students.

(5) Recipients of grants may obligate grant funds only during the period which begins on the date the department approves an application and ends on the following June 30. Obligations are considered to have been incurred as follows: for equipment and supplies; when the recipient makes a binding commitment to acquire the equipment and supplies, such as the issuance of a purchase order or its equivalent; or for personal services, when the services are performed. All obligations for the purchase of equipment must be incurred by March 31 of the grant period and liquidated by June 30. Any funds not properly obligated for approvable project costs are refundable to the department.

(6) Allowable costs for grants will be determined on the basis of the reasonable and necessary costs of implementing approved project activities.

(7) The grant recipients will keep records according to generally accepted accounting principles and will provide any information necessary for fiscal and program auditing. All such records and supporting documents will be retained in accordance with current state and federal laws and regulations.

(8) Grant recipients for each year of grant funding shall file the following information, using the department's required forms and/or formats for reporting the results of financial and program activities conducted during the preceding grant period:

- (A) A mid-year progress report due January 31;
- (B) A final expenditure report due May 15;
- (C) An end-of-year program evaluation narrative due June 30; and
- (D) A final program evaluation report due September 30 of the year following the fifth and/or final year of grant funding.

(9) The department may cease to award payments to any district if the department determines the district's drop-out prevention program is deemed ineffectual. Any decision to discontinue payments of such funds shall be presented to the applicable district in writing at least thirty (30) days prior to the cessation of funds.

(10) If the department, based on its own findings or those of an independent auditor, determines that an applicant has misspent, misapplied, or otherwise used funds under this program in violation of any applicable regulation or statutory provision, the applicant will be required to refund to the department the amount determined to have been improperly expended. If the applicant does not refund the money within a reasonable time after requested to do so, the department may adjust payments due the applicant under other programs administered by the department.

AUTHORITY: sections 160.950 and 161.092, RSMo Supp. 2009. Original rule filed Feb. 1, 2010.

PUBLIC COST: This proposed rule will cost the Department of Elementary and Secondary Education in the aggregate of one hundred sixteen thousand six hundred twenty-three dollars (\$116,623) for Fiscal Year 2010; one hundred thirty-seven thousand eight hundred fourteen dollars (\$137,814) for FY 2011; and one hundred forty-one thousand nine hundred forty-seven dollars (\$141,947) for FY 2012. These grants are subject to legislative appropriation. There are currently no funds appropriated for this program.

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, ATTN: Stan Johnson, Assistant Commissioner, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Elementary and Secondary Education
Division Title: School Improvement
Chapter Title: State Programs**

| | |
|------------------------------|--|
| Rule Number and Name: | 5 CSR 50-350.050 Persistence to Graduation Program Grants |
| Type of Rulemaking: | Proposed Rule |

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Dept. of Elementary and Secondary Ed. | FY2010 - \$116,623; FY2011 - \$137,814; FY2012 - \$141,947 Grants authorized under this rule are subject to legislative appropriation. There are currently no funds appropriated for this program. |
| Participating School Districts | |

III. WORKSHEET

| | 2010 | 2011 | 2012 |
|-----------------------|----------------|----------------|----------------|
| Salary (Supervisor) | 44,960 | 55,570 | 57,237 |
| Benefits | 21,851 | 27,007 | 27,817 |
| Salary (Admin Asst I) | 27,089 | 33,482 | 34,486 |
| Salary Benefits | 13,165 | 16,272 | 16,760 |
| EE | 9,558 | 5,483 | 5,647 |
| | <u>116,623</u> | <u>137,814</u> | <u>141,947</u> |

IV. ASSUMPTIONS

1 Supervisor; 1 Administrative Assistant; (to include Salary, Benefits and E&E)

Number of school districts who have 60% of more of students eligible for free/reduced price lunch = 168

Grants authorized under 5 CSR 50-350.050 are subject to legislative appropriation. There are currently no funds appropriated for this program. Costs associated with the program would vary based upon the project design, the inventions proposed by the grant application, and the size of the targeted student population.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.200 Application for Certificate of License to Teach. The State Board of Education is adding a new section (9); renumbering sections (9), (10), and (11); and amending section (1) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

PURPOSE: This amendment adds the certificate area of Personal Finance as directed in Senate Bill 291 under section 168.021, RSMo.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a doctoral degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [April 2009] **January 2010**), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(9) An applicant for an initial Missouri certificate of license to teach in the area of personal finance, banking, or financial responsibility who has earned a bachelor's degree, or higher degree, from an institution of higher education accredited by a regional accreditation agency including but not limited to North Central Association of Colleges and Schools must comply with the following additional criteria:

(A) The applicant must provide documentation of a valid degree being conferred and achieve a score equal to or in excess of the qualifying score on the Praxis II assessment designated by the board. The official score report shall be submitted to DESE;

(B) Comply with the specific professional experience requirements as set forth in the compendium; and

(C) The applicant may only be granted an initial professional classification (IPC) level of certificate of license to teach in the field of personal finance. The applicant will not be eligible for tenure and will be required to complete an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time.

~~[(9)](10)~~ Additional certificates of license to teach may be granted as follows:

(A) The applicant may take the appropriate content knowledge or specialty area exit assessment(s) for certification and must achieve a score equal to or in excess of the qualifying score on the content knowledge or specialty area exit assessment(s) as defined in the rules promulgated by the board; or

(B) If the board has not designated a content knowledge or specialty area exit assessment(s) for a particular certification area or grade level or the applicant chooses not to take the appropriate content knowledge or specialty area exit assessment(s), the applicant must meet the certification standards for the area of certification as set forth in the compendium.

~~[(10)](11)~~ Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

~~[(11)](12)~~ The holder of a certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a certificate of license to teach whose name is changed shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 168.011, 168.405, and 168.409, RSMo 2000 and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2008] 2009. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to Tammy.Allee@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators. The State Board of Education is amending section (1) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

PURPOSE: This amendment incorporates changes in the compendium to update certification requirements for various certification areas.

(1) An applicant may be granted an administrator certificate of license to teach in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and criteria established in the rules promulgated by the State Board of Education (board), to an individual who possesses good moral character. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [April 2009] **January 2010**), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions:

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2008] 2009 and sections 168.011, 168.405, and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to Tammy.Allee@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach. The State Board of Education is amending subsection (7)(D) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

PURPOSE: This amendment incorporates changes in the compendium to update certification requirements for various certification areas.

(7) The applicant for a temporary authorization certificate (excluding a temporary authorization administrator's and/or career education certificate) must comply with the following criteria:

(D) If this is the applicant's initial certificate of license to teach, documentation of a plan of study based upon required certification competencies incorporated in classes provided by an accredited college or university. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from DESE based on the requirements set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, must be submitted. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [April 2009] January 2010), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081, and 168.083, RSMo Supp. [2008] 2009 and section 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to Tammy.Allee@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.270 Application for a Career Education Certificate of License to Teach. The State Board of Education is amending section (5) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

PURPOSE: This amendment incorporates changes in the compendium to update certification requirements for various certification areas.

(5) The applicant must comply with the specific requirements for the various career education certificates of license to teach as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [April 2009] January 2010), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092, 168.021, 168.071, and 168.081, RSMo Supp. [2008] 2009 and section 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to Tammy.Allee@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach. The State Board of Education is amending section (5) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

PURPOSE: This amendment incorporates changes in the compendium to update certification requirements for various certification areas.

(5) The following AEL professional classification certificates of license to teach may be issued and renewed as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [April 2009] January 2010), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions:

AUTHORITY: sections 161.092, 168.021, 168.071, and 168.081, RSMo Supp. [2008] 2009 and section 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to Tammy.Allee@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.290 Application for Substitute Certificate of License to Teach. The State Board of Education is amending section (1), adding new sections (2) and (3), and renumbering current sections (2) and (3).

PURPOSE: This amendment clarifies the college coursework acceptable for substitute teacher licensure and opens a pathway for substitute teaching in the career/technical fields. It also increases the length of the certificate of license to teach to four (4) years.

(1) An applicant for a substitute Missouri certificate of license to teach who has successfully completed sixty (60) semester hours or more of credit in the content areas (e.g., communication arts, science, mathematics, social studies, fine arts, business, agriculture, engineering, family consumer sciences and health, or education) from an academic degree granting institution which is contained within the United States Department of Education's *Directory of Post-Secondary Institutions*, or approved by the commissioner of

education, and possesses good moral character may be granted a substitute Missouri certificate of license to teach for [the] a period of [August 1 to July 31] four (4) years. [Applicants may reapply through the school district for another substitute certificate of license to teach pursuant to the rules promulgated by the State Board of Education (board).]

(2) An applicant for a career/technical substitute Missouri certificate of license to teach who has successfully completed:

(A) A bachelor's degree in an area appropriate for the career/technical area sought and four thousand (4,000) hours of locally approved, related occupational experience; or

(B) An associate's degree in an area appropriate for the career/technical area sought and five thousand (5,000) hours of locally approved, related experience; or

(C) Six thousand (6,000) hours of locally approved, related occupational experience; or

(D) Approved by the commissioner of education and possesses good moral character may be granted a career/technical substitute Missouri certificate of license to teach for a period of four (4) years.

(3) An applicant for a substitute Missouri certificate of license to teach who holds a valid Missouri certificate of license to teach in a content or career/technical area; or approved by the commissioner of education and possesses good moral character may be granted a substitute Missouri certificate of license to teach for a period of four (4) years. Applicants may renew the substitute certificate of license to teach by completing a new fingerprint report every four (4) years or when employed by a new school district's required fingerprinting.

[(2)](4) Applications for a substitute Missouri certificate of license to teach [(including the background check or fingerprint request)] shall be [submitted] confirmed by the hiring school district [through the Internet] in a manner designated by the Department of Elementary and Secondary Education (DESE).

[(3)](5) An application is not considered officially filed with the State Board of Education (board) until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed, and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (Highway Patrol) and/or Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI and the payment of any fees required by the Highway Patrol and/or FBI.

AUTHORITY: sections 161.092, 168.021, 168.071, and 168.081, RSMo Supp. [2004] 2009 and section 168.011, RSMo 2000. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Jan. 26, 2000. Original rule filed July 30, 1999, effective Feb. 29, 2000. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed June 30, 2005, effective Jan. 30, 2006. Amended: Filed Feb. 1, 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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to Tammy.Allee@dese.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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

**Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.350 Certificate of License to Teach Content Areas.

The State Board of Education is amending section (2), Appendix A, and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

PURPOSE: This amendment incorporates changes in the compendium to update certification requirements for various certification areas and corrects typographical errors.

(2) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board in the specialized areas as follows. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [April 2009/January 2010]), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(D) Secondary education, grades 9–12 in the following areas:

1. Agricultural education;
2. Art;
3. Business education;
4. English;
5. Health;
6. [Industrial technology] **Technology and Engineering;**
7. Journalism;
8. Mathematics;
9. Physical education;
10. Science: biology;
11. Science: chemistry;
12. Science: earth science;
13. Science: general science;
14. Science: physics;
15. Social science;
16. Speech/theatre;
17. Unified science: biology;
18. Unified science: chemistry;
19. Unified science: earth science; and/or
20. Unified science: physics;

(E) Special education in one (1) or more of the following areas:

1. Blind and partially sighted, birth–grade 12;
2. Deaf and hearing impaired, birth–grade 12;
3. Early childhood special education, birth–grade 3;

[4. Mild/moderate behavioral disordered, grades K–12 to be discontinued 8-15-2005;]

[5.]4. Mild/moderate cross-categorical, grades K–12; and/or

[6. Mild/moderate learning disabled, grades K–12 to be discontinued 8-15-2005;

7. Mild/moderate mentally handicapped, grades K–12 to be discontinued 8-15-2005;

8. Mild/moderate physical and/or other health impairments, grades K–12 to be discontinued 8-15-2005; and/or] [9.]5. Severely developmentally disabled, birth–grade 12;

**Appendix A—Career Education
Certificates**

Agricultural Education

- Agricultural Business
- Agricultural Education
- Agricultural Mechanics
- Agricultural Processing
- Agricultural Production
- Agricultural Resources
- Agricultural Services/Supplies
- Forestry
- Horticulture

Business Education

- Career Business Education

Family, Consumer Science, and Human Services

- Apparel and Textiles
- Career Family and Consumer Science
- Cosmetic Services, Other
- Cosmetologist**
- Culinary Arts
- Dietetic Services

Family and Consumer Sciences Related Careers Cooperative Education

- Food and Beverage/Restaurant Operations Manager
- Food Production, Management, and Related Services
- Hospitality Administration/Management, General
- Housing and Home Environments
- Human Development/Adult Development and Aging*
- Human Development/Child Care
- Massage Therapy**

**Requires Associates Degree*

***Requires Professional Licensing*

Health Sciences

- Dental Assistant*
- Dental Hygienist*
- Dental Laboratory Technician
- Diagnostic Medical Sonography Technician*
- Emergency Medical Technology/Technician*
- Funeral Service and Mortuary Science*
- [• Health Aide (Health Services Assistant)*]
- Health Professions and Related Sciences, Other
- Health Unit Coordinator/Ward Clerk
- Licensed Practical Nursing (LPN Training)*
- Medical Assistant*
- Medical Laboratory Assistant*
- Medical Laboratory Technician*
- Medical Radiologic Technology/Technician*
- Medical Record Technology/Technician (Health Information Technology)*
- Medical Transcription*
- Nursing Assistant/Aide*
- Nursing, Other*
- Occupational Therapy Assistant*
- Pharmacy Technician/Assistant*
- Physical Therapy Assistant*
- Registered Nursing (RN Training)*
- Respiratory Therapy Technician*

- Sign Language Interpreter*
- Surgical/Operating Room Technology*

Marketing Education

- Marketing

[Technology and Engineering] Skilled Technical Sciences

- Aircraft Mechanic/Technician, Airframe*
- Aircraft Mechanic/Technician, Powerplant*
- Architectural Engineering Technology/Technician
- Auto/Automotive Body Repairer
- Auto/Automotive Mechanic/Technician
- Automotive Engineering Technology/Technician
- Aviation Management
- Aviation Systems and Avionics Maintenance Technologist/Technician*
- Biomedical Engineering-Related Technology/Technician
- Building/Property Maintenance and Manager
- Cabinet Maker and Millworker
- Carpenter
- Cartography
- Chemical Technology/Technician
- Civil Engineering/Civil Technology/Technician
- Commercial Photography
- Communications Systems Installer and Repairer
- Computer Installer and Repairer
- Computer Maintenance Technology/Technician
- Construction Equipment Operator
- Construction/Building Technology/Technician
- Diesel Engine Mechanic and Repairer
- Drafting, General
- Electrical and Electronics Equipment Installer and Repairer, General
- Electrical and Power Transmission Installer, General
- Electromechanical Technology/Technician
- Fire Protection and Safety Technology/Technician
- Fire Science/Firefighting
- Graphic and Printing Equipment Operator, General
- Graphic Design, Commercial Art, and Illustration
- Heating, Air Conditioning, and Refrigeration Mechanic and Repairer
- Heavy Equipment Maintenance and Repairer
- Industrial Design
- Industrial Electronics Installer and Repairer
- Industrial Machinery Maintenance and Repairer
- Instrumentation Technology/Technician
- Ironworking/Ironworker
- Laser and Optical Technology/Technician
- Law Enforcement/Police Science
- Machinist/Machine Technologist
- Major Appliance Installer and Repairer
- Manufacturing Technology
- Marine Maintenance and Ship Repairer
- Mason and Tile Setter
- Mechanical Engineering/Mechanical Technology/Technician
- Motorcycle Mechanic and Repairer
- Nuclear Engineering Technology/Technician
- Occupational Safety and Health Technology/Technician
- Painter and Wall Coverer
- Pipefitting/Pipefitter and Sprinkler Fitter
- Plumbing Technology/Plumber
- Quality Control Technology/Technician
- Radio and Television Broadcasting Technology/Technician
- Robotics Technology/Technician
- Sheet Metal Worker
- Small Engine Mechanic and Repairer
- Truck, Bus, and Other Commercial Vehicle Operator
- Upholsterer

- Water Quality and Wastewater Treatment Technology/Technician
- Welder/Welding Technologist

* Requires Professional Licensing

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2008] 2009 and section 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 1, 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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to Tammy.Allee@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach Classifications.

The State Board of Education is amending sections (1), (7), and (17), and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

PURPOSE: This amendment incorporates changes in the compendium to update certification requirements for various certification areas and extends the substitute certificate to four (4) years of validity.

(1) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [April 2009] **January 2010**), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(7) Career Continuous Professional Classification (CCPC):

(C) The CCPC holder is exempt from the fifteen (15) contact hours of professional development, if the holder has a local professional development plan in place with the school and at least two (2) of the following:

1. Ten (10) years of state-approved teaching experience;
2. A master's degree from an accredited college or university; and/or
3. Certification from the National Board for Professional Teaching Standards, or for school psychologists, the certificate of nationally certified school psychologist issued by the National

Association of School Psychologists (NASP), or for speech-language pathologists, the certificate of clinical competence in speech-language pathology issued by the American Speech-Language-Hearing Association (ASHA).

(17) Substitute certificates of license to teach may be issued to an individual for [one (1)] four (4) years pursuant to the requirements found in the compendium and the rules promulgated by the board.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2008] 2009 and sections 168.011, 168.128, 168.405, and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 1, 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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to Tammy.Allee@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The State Board of Education is amending subparagraph (1)(A)2.B., Appendix A, and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

PURPOSE: This amendment incorporates changes in the compendium to update certification requirements for various certification areas and corrects typographical errors.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate. An exemption exists if the applicant holds a valid certificate of license to teach from another state.

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area assessments and the Principles of Learning and Teaching assessments developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. Qualifying scores are established by the board and published by ETS for each assessment designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must complete and achieve a Missouri qualifying score in the content knowledge or specialty area assessment in their major area of preparation or the appropriate principles of learning and teaching assessment if no content knowledge or specialty area assessment is designated, except in the areas of special education, student services, and

administration (see Appendix A, which is included herein).

2. Applicants holding a valid Missouri professional or life certificate of license to teach in a content area who are seeking an additional certificate(s) of license to teach in another content area(s), will receive the additional certificate(s) upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II content knowledge or specialty area assessment designated for the certificate of license to teach, except for the areas of unified science, special education other than mild/moderate cross-categorical disabilities, student services, administration, career education, and adult education and literacy; or

B. Successfully complete the applicable certification requirements as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [April 2009] January 2010), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

3. Applicants holding a valid Missouri professional or life certificate of license to teach in a secondary content area who are seeking additional certification for middle school in the same content area will receive the additional certification upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II: Principles of Learning and Teaching, grades five through nine (5–9), assessments; or

B. Successfully complete the applicable certification requirements for middle school education, grades five through nine (5–9), as set forth in the compendium.

APPENDIX A
ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

| <u>Missouri Certificate of License to Teach</u> | <u>Test Code</u> | <u>Designated Assessment</u> |
|--|--------------------|--|
| Early Childhood Education, Birth–Grade 3 | 0021 | Education of Young Children |
| Early Childhood Special Education, Birth–Grade 3 | 0690 | Special Education: Preschool/Early Childhood |
| Elementary Education, Grades 1–6 | 0011 | Elementary Education: Curriculum, Instruction, and Assessment |
| Middle School Education, Grades 5–9 | — | — |
| Language Arts | 0049 | Middle School English—Language Arts |
| Mathematics | 0069 | Middle School Mathematics |
| Science | 0439 | Middle School Science |
| Social Science | 0089 | Middle School Social Studies |
| Other Middle School Subject Areas | 0523 | Principles of Learning and Teaching, Grades 5–9 |
| Secondary Education, Grades 9–12 (except as noted) | — | — |
| Agriculture | 0700 | Agriculture |
| Art K–12, 9–12 | 0133 | Art: Content Knowledge |
| Business Education | 0100 | Business Education |
| English | 0041 | English Language, Literature, and Composition: Content Knowledge |
| Family, Consumer Science, and Human Services | 0121 | Family and Consumer Science |
| Foreign Language: K–12 | — | — |
| French K–12 | 0173 | French: Content Knowledge |
| German K–12 | 0181 | German: Content Knowledge |
| Spanish K–12 | 0191 | Spanish: Content Knowledge |
| Health K–12, 9–12 | 0550 | Health Education |
| Industrial Technology | 0050 | Technology Education |
| Library Media Specialist, K–12 | <i>[0310]</i> 0311 | Library Media Specialist |
| Marketing Education | 0561 | Marketing Education |
| Mathematics | 0061 | Mathematics: Content Knowledge |
| Music: Instrumental, Vocal K–12 | 0113 | Music: Content Knowledge |
| Physical Education K–9, K–12, 9–12 | 0091 | Physical Education: Content Knowledge |
| Science: | — | — |
| Biology | 0235 | Biology: Content Knowledge |
| Chemistry | 0245 | Chemistry: Content Knowledge |
| Earth Science | 0571 | Earth and Space Science: Content Knowledge |
| General Science | 0435 | General Science: Content Knowledge |
| Physics | 0265 | Physics: Content Knowledge |
| Social Science | 0081 | Social Studies: Content Knowledge |
| Special Education, K–12 | — | — |
| Blind and Partially Sighted ¹ | 0280 | Teaching Students with Visual Impairments |
| Deaf and Hearing Impaired ¹ | 0271 | Education of Deaf and Hard of Hearing Students |
| Mild-Moderate Cross-Categorical Disabilities | 0353 | Education of Exceptional Students: Core Content Knowledge |
| | and | |
| | 0542 | Education of Exceptional Students: Mild to Moderate Disabilities |
| Severely Developmentally Disabled ¹ | 0353 | Education of Exceptional Students: Core Content Knowledge |
| | and | |
| | 0544 | Education of Exceptional Students: Severe to Profound Disabilities |
| Speech/Theatre | 0220 | Speech Communication |
| Speech and Language Pathologist K–12 ³ | 0330 | Speech-Language Pathology |
| Unified Science ² | — | — |
| Biology | 0235 | Biology: Content Knowledge |
| Chemistry | 0245 | Chemistry: Content Knowledge |
| Earth Science | 0571 | Earth and Space Science: Content Knowledge |
| Physics | 0265 | Physics: Content Knowledge |
| K–12 or 9–12 teaching certification for which no specialty area assessment or content knowledge assessment is designated and a Temporary Authorization Certificate (TAC) of License to Teach | 0524 | Principles of Learning and Teaching, Grades 7–12 |
| School Counselor K–8, 7–12 ³ | 0420 | School Guidance and Counseling |
| School Psychologist K–12 ³ | 0401 | School Psychologist |

APPENDIX A—continued

| <u>Missouri Certificate of License to Teach</u> | <u>Test Code</u> | <u>Designated Assessment</u> |
|--|------------------|--|
| Building-Level Administrator ³ Principal K-8, 5-9, 9-12 Special Education Administrator K-12 Career Education Director | [1070] 1011 | School Leaders Licensure Assessment (SLLA) |
| District-Level Administrator (Superintendent) K-12 ³ | 1020 | School Superintendent Assessment (SSA) |

- ¹ Not available by completion of the designated assessment only; also requires completion of a program of study in special education with the area of specialization from a state-approved institution.
- ² Not available by completion of the designated assessment only; also requires completion of a program of study in the unified science core with the area of specialization from a state-approved institution.
- ³ Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2008] 2009 and sections 168.011, 168.405, and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to Tammy.Allee@dese.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 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.110 [Submission of] Reporting Emission Data, Emission Fees, and Process Information. The commission proposes to amend the original rule title, the original rule purpose, and sections (1) through (4). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule provides procedures for reporting emission related information and establishing emission fees for the purpose of state air resource planning. This amendment will align the Air Pollution Control Program reporting requirements with new U.S.

Environmental Protection Agency reporting requirements, move the Emissions Inventory Questionnaire (EIQ) due date from June 1 to March 1, codify reporting threshold policies and emission fees, add definitions, and clarify record-keeping and reporting requirements for first, amended, no production, and out of business EIQs. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is section 643.079, Missouri State Statutes, and Air Emissions Reporting Requirements, December 17, 2008, Federal Register.

PURPOSE: This rule [deals with submittal of emission information, emission fees and public availability of emission data. It] provides procedures for [collection, recording and submittal of emission data and process information on state-supplied Emission Inventory Questionnaire and Emission Statement forms, or in a format satisfactory to the director, so that the state can calculate] reporting emission related information and establishing emission[s] fees for the purpose of state air resource planning.

(1) Applicability. **This rule applies to any installation that is subject to any one (1) of the following:**

[(A) This rule applies to any installation that: notifies and accepts a permit-by-rule under 10 CSR 10-6.062, is required to obtain a permit under 10 CSR 10-6.060 or 10 CSR 10-6.065, is required to file an Emission Inventory Questionnaire (EIQ) as outlined in the Reporting Frequency table in paragraph (3)(A)6. of this rule, or is required by the staff director to prove its potential emissions are below de minimis levels.

(B) An annual emission statement (Form 2.OZ) is required of facilities in an ozone nonattainment area if the actual emission of either nitrogen oxides (NO_x), volatile organic compounds (VOCs) or carbon monoxide (CO) are equal to or greater than ten (10) tons annually. After the effective date of this rule, any revision to the annual emission statement (Form 2.OZ) will be presented to the regulated community for a forty-five (45)-day comment period.]

(A) Notifies and accepts a permit-by-rule under 10 CSR 10-6.062;

(B) Is required to obtain a construction permit under 10 CSR 10-6.060; or

(C) Is required to obtain an operating permit under 10 CSR 10-6.065.

(2) Definitions.
[(A) Peak Ozone Season—The time period (the months of June 1 through August 31) used in calculating ozone nonattainment area emissions on Form 2.OZ.

(B) *Consolidated Emissions Reporting Rule (CERR)*—A U.S. Environmental Protection Agency (EPA) rule designed to simplify federal reporting and unify state and local agency reporting dates.

(C) *Reporting Year*—The state reporting requirement will coincide with the three (3) year reporting cycle of the CERR beginning with 2008. The subsequent reporting years will be every three (3) years following 2008 (i.e., 2011, 2014, 2017, etc.).

(D) *Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.*

(A) *Air emissions reporting rule*—The U.S. Environmental Protection Agency (EPA) rule that finalized changes to emission reporting requirements in 40 CFR Part 51 (*Federal Register*, December 18, 2008).

(B) *Missouri Emissions Inventory System (MoEIS)*—Online interface of the state of Missouri's air emissions inventory database.

(C) *Particulate Matter (PM)*—Any material or particle, except uncombined water, that exists in a finely divided form as a liquid or solid and as specifically defined as follows:

1. *Condensable PM (PMcon)*—Material that is vapor phase at stack conditions but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid PM immediately after discharge from the stack. Note that all condensable PM, if present from a source, is typically in the PM_{2,5} size fraction and, therefore, all of it is a component of both primary PM_{2,5} and primary PM₁₀;

2. *Filterable PM (PMfil)*—Particles that are directly emitted by a source as a solid or liquid at stack or release conditions and captured on the filter of a stack test train. Filterable PM_{2,5} is particulate matter with an aerodynamic diameter equal to or less than 2.5 micrometers. Filterable PM₁₀ is particulate matter with an aerodynamic diameter equal to or less than 10 micrometers; and

3. *Primary PM (PMpri)*—The sum of condensable and filterable PM.

(D) *Point source*—Large, stationary (nonmobile), identifiable source of emissions that releases pollutants into the atmosphere. A point source is an installation that is either—

1. A major source under 40 CFR part 70 for the pollutants for which reporting is required; or

2. A holder of an intermediate operating permit.

(E) *Reporting year*—Twelve (12)-month calendar year ending December 31. The reporting requirement for installations with three (3)-year reporting cycles begins with the 2011 reporting year. The subsequent reporting years will be every three (3) years following 2011 (i.e., 2014, 2017, 2020, etc.).

(F) *Small source*—An installation subject to this rule but not a point source as defined in this section of the rule.

(G) *Emissions report*—A report that satisfies the provisions of this rule and is either a—

1. *Full emissions report*—Contains all required data elements for current reporting year; or

2. *Reduced reporting form*—Represents data elements and emissions from the last full emissions report.

(H) *Reportable pollutants*—The regulated air pollutants at the process level required for emission inventory reporting as summarized in Table 1 of this rule.

(I) *Reporting threshold*—Minimum amount of reportable emissions at the emission unit level that requires reporting as summarized in Table 1 of this rule. Emissions below this amount may be designated as insignificant on the full emissions report.

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

TABLE 1. Reportable Pollutants with Reporting Thresholds

| Process Level Reportable Pollutants | | Emission Unit Level Reporting Threshold | |
|-------------------------------------|-----------------------|---|------------------|
| Point Sources | Small Sources | Tons | Pounds |
| PM ₁₀ fil | PM ₁₀ pri | 0.438 | 876 |
| PMcon | | | |
| PM _{2,5} fil | PM _{2,5} pri | 0.438 | 876 |
| PMcon | | | |
| SO ₂ | | 1 | 2000 |
| NO _x | | 1 | 2000 |
| VOC | | 0.438 | 876 |
| CO | | 1 | 2000 |
| Category One (1) HAP ^a | | 0.01 ^a | 20 ^a |
| Category Two (2) HAP ^b | | 0.1 ^b | 200 ^b |
| NH ₃ | | 0.438 | 876 |
| Lead ^a | | 0.01 ^a | 20 ^a |

^a Category One (1) Hazardous Air Pollutant (HAP) chemicals include Polycyclic Organic Matter, Arsenic Compounds, Lead Compounds, Chromium Compounds, Mercury Compounds (Alkyl and Aryl), Mercury Compounds (Inorganic), Nickel Compounds, Chlordane, Benzene, Methoxychlor, Vinyl Chloride, Heptachlor, Benzidine, Butadiene (1,3-), Chloromethyl Methyl Ether, Hexachlorobenzene, Bis(chloromethyl)ether, Asbestos, Polychlorinated Biphenyls, Trifluralin, Tetrachlorodibenzo-P-Dioxin (2,3,7,8-), Toxaphene, and Coke Oven Emissions.

^b Category Two (2) HAP chemicals are those defined in 10 CSR 10-6.020 that are not included in the list of Category One (1) HAP chemicals.

(3) General Provisions.

[(A) *Record Keeping and Reporting Requirements.*

1. The owner or operator of an installation that is a source of any air contaminant shall collect, record and maintain, during each calendar year of operation—the time period and duration of emissions; the amounts of processed materials, fuels and solvents consumed; and the amounts of process materials, fuels and solvents stored in tanks and storage piles which emit any regulated air pollutant.

2. The owner or operator of an installation subject to paragraph (3)(A)1. of this rule shall file with the director, on the frequency specified in paragraph (3)(A)6. of this rule, reports containing the information specified in paragraph (3)(A)1. of this rule. The reports shall specify the type and location of all sources of regulated air pollutants and the amount of each type of regulated air pollutant at each location; the size and height of all emission outlets, stacks and vents; the processes employed, including all fuel combustion and incineration; the type of air pollution control equipment used at the installation; the capture efficiency and control efficiency of the air pollution control equipment, where applicable; and ozone season information (Form 2.0Z) from sources located in nonattainment areas. Capture efficiency shall be applicable to emission points which are controlled by air pollution control devices and are not fully enclosed. Capture efficiency is not applicable to fugitive dust. The department encourages facilities to perform tests to determine capture efficiency. Industrial ventilation principles and engineering calculations may be used if testing is physically impossible or cost prohibitive. If testing or engineering calculation is not possible, then a default value of fifty percent (50%) capture efficiency may be used. Documentation verifying the capture efficiency shall be included with the EIQ. The owner or operator may submit a report containing information of a different nature provided the information submitted is adequate for the purposes of air quality planning

and fee assessment and is approved by the director. Information submitted shall be reduced by the director to emission data as defined in 10 CSR 10-6.210(3)(B)2.

3. The reports required by paragraphs (3)(A)2. and 4. of this rule shall be completed on state supplied EIQ forms or in a form satisfactory to the director and shall be submitted to the director by June 1 after the end of each reporting period. After the effective date of this rule, any revision to the EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period. The reporting periods for an installation, as determined by the reporting frequency specified in paragraph (3)(A)6. of this rule, shall end on December 31 of each calendar year. Each report shall contain the information required by paragraph (3)(A)2. of this rule for each air contaminant source at the installation for the twelve (12)-month period immediately preceding the end of the reporting period, in addition to the information required under paragraph (3)(A)1. of this rule to be collected, recorded and maintained during each year of operation of the installation.

4. For sources located in ozone nonattainment areas, an emission statement is required if the actual emission of nitrogen oxides (NO_x), volatile organic compounds (VOCs) or carbon monoxide (CO) is equal to or greater than ten (10) tons for any one (1) pollutant annually. Emissions of each pollutant shall be reported if a facility meets the ten (10) ton threshold for any of the three (3) pollutants. Emissions statement reporting requirements shall be completed on state supplied EIQ forms and include the information required at paragraph (3)(A)2. of this rule and ozone season information for VOC, NO_x and CO emissions and any other criteria pollutant requested by the director. After the effective date of this rule, any revision to the EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period. Emission statements shall be submitted in accordance with the schedule in paragraph (3)(A)6. of this rule.

5. All data collected and recorded in support of the provisions of this rule shall be retained in accordance with the requirements in section (4) of this rule by the owner or operator for not less than five (5) years after the end of the cal-

endar year in which the data was collected and all these records shall be made available to the director upon his/her request.

6. The reports required by paragraphs (3)(A)2. and 4. of this rule shall be filed on the following frequency:

Reporting Frequency

| Installation Classification | Emission Inventory Questionnaire | |
|---|---|--|
| | Nonattainment Area | All Other |
| 1. Any installation required to obtain a Part 70 or Intermediate State Operating Permit under 10 CSR 10-6.065. | Annually | Annually |
| 2. Any installation required to obtain a Basic State Operating Permit under 10 CSR 10-6.065. | Once every three (3) years | Once every three (3) years |
| 3. Any installation required to obtain a construction permit under 10 CSR 10-6.060 or accepting a permit-by-rule under 10 CSR 10-6.062, but not required to obtain an operating permit. | Once every six (6) years | Once every six (6) years |
| 4. Any installation required to submit an EIQ by the director. | Within forty-five (45) days of request | Within forty-five (45) days of request |
| 5. Any ozone nonattainment area installation whose actual emissions of VOC, NO _x or CO is equal to or greater than ten (10) tons for any one (1) pollutant annually. | Annually, an emission statement is required | Exempt, no emission statement required |

(B) *Specific Report Required.* The director may require the owner or operator of an installation to submit compound specific emission rates when the information submitted pursuant to paragraph (3)(A)3. of this rule does not provide sufficient information to determine whether specific compounds from the installation may cause a threat to public health or welfare.

(C) *Public Availability of Emission Data and Process Information.* Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.

(D) *Emission Fees.*

1. Any air contaminant source required to obtain a permit under sections 643.010–643.190, RSMo, except sources that produce charcoal from wood, shall pay an annual emission fee, regardless of their EIQ reporting frequency, of forty dollars and no cents (\$40.00) per ton of regulated air pollutant emitted starting with calendar year 2007 in accordance with the conditions specified in paragraph (3)(D)2. of this rule. Sources which are required to file reports once every three (3) or six (6) years may use the information in their most recent EIQ to determine their annual emission fee if they have an EIQ on file. Sources that increase or decrease emissions by five (5) tons or more will be required to provide a complete (rather than the short form) EIQ for that year and every CERR reporting year thereafter (i.e., 2011, 2014, 2017, etc. as applicable).

2. *General requirements.*

A. The fee shall apply to the first four thousand (4,000) tons of each regulated air pollutant emitted. However, no air contaminant source shall be required to pay fees on total emissions of regulated air pollutants in excess of twelve thousand (12,000) tons in any calendar year. A permitted air contaminant source which emitted less than one (1) ton of all regulated pollutants shall pay a fee equal to the amount of one (1) ton.

B. The fee shall be based on the information provided in the facility's EIQ.

C. An air contaminant source which pays emissions fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

D. The fee imposed under paragraph (3)(D)1. of this rule shall not apply to ammonia, carbon monoxide, and PM_{2.5} particulate matter emissions.

E. The fees for emissions produced during the previous calendar year shall be due June 1 each year for all United States Department of Labor Standard Industrial Classifications. The fees shall be payable to the Department of Natural Resources.

F. All Emissions Inventory Questionnaire forms or equivalent approved by the director shall be due annually on June 1 according to the required reporting schedules in paragraph (3)(A)6. of this rule for all United States Department of Labor Standard Industrial Classifications.

G. For the purpose of determining the amount of air contaminant emissions on which the fees are assessed, a facility shall be considered one (1) source under the definition of section 643.078.2, RSMo, except that a facility with multiple operating permits shall pay emission fees separately for air contaminants emitted under each individual permit.

3. *Fee collection.* Any emission fee changes to this rule do not relieve any source from the payment of emission fees for any previous year.]

(A) *Emission Fees.*

1. Any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual emission fee of forty dollars and no cents (\$40.00) per ton of applicable pollutant emissions identified in Table 2 of this rule.

2. For full emissions reports, the fee is based on the information provided in the installation's emissions report. For sources which qualify for and use the Reduced Reporting Form, the fee shall be based on the last full emissions report.

3. The fee shall apply to the first four thousand (4,000) tons of each air pollutant subject to fees as identified in Table 2 of this rule. No installation shall be required to pay fees on total emissions in excess of twelve thousand (12,000) tons for any reporting year. An installation subject to this rule which emitted less than one (1) ton of all pollutants subject to fees shall pay a fee for one (1) ton.

4. An installation which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

5. The fee imposed in paragraph (3)(A)1. of this rule shall not apply to NH₃, CO, and PM_{2.5} emissions, as summarized in Table 2 of this rule.

6. Emission fees for the reporting year are due June 1 after each reporting year. The fees shall be payable to the Missouri Department of Natural Resources.

7. To determine emission fees, an installation shall be considered one (1) source as defined in section 643.078.2, RSMo, except that an installation with multiple operating permits shall pay emission fees separately for air pollutants emitted under each individual permit.

TABLE 2. Pollutant Fee Applicability

| Pollutants Subject to Fees | Pollutants Not Subject to Fees |
|----------------------------|--------------------------------|
| PM ₁₀ pri | PM _{2.5} pri |
| SO ₂ | CO |
| NO _x | NH ₃ |
| VOC | |
| HAP | |
| Lead | |

[(E)](B) [Emission Calculation and Verification] Emission Estimation Calculation and Verification.

1. [Emission calculation. All sources shall use the following hierarchy as a guide in determining the most desirable emission data to report to the department. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method should be used in its place:] The method of determining an emission factor, capture efficiency, or control efficiency for use in the emissions report shall be consistent with the installation's applicable permit. Variance from this method shall be based on the hierarchy described below. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place—

A. Continuous Emission Monitoring System (CEMS) as specified in subparagraph (3)[(E)](B)2.A. of this rule;

B. Stack tests as specified in subparagraph (3)[(E)](B)2.B. of

this rule;

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System) (as updated);

E. Other EPA documents as specified in subparagraph (3)(E)(B)2.C. of this rule;

F. Sound engineering or technical calculations; or

G. Facilities shall obtain department *[pre]*approval of emission estimation methods other than those listed in subparagraphs (3)(E)(B)1.A.–F. of this rule before using any such method to estimate emissions in the submission of an *[EIQ]*. *The department will approve or deny requests by December 31 if submitted in writing by September 1* **emissions report**.

2. *[Emission verification.]* The director reserves the authority to review and approve all emission estimation methods used to calculate emissions for the purpose of filing an *[EIQ]* **emissions report** for accuracy, reliability, and appropriateness. Inappropriate usage of an emission factor or method shall include, but is not limited to: **varying from the method used in permit without prior approval**, using emission factors not representative of a process, using equipment in a manner other than that for which it was designed for in calculating emissions, or using a less accurate emission estimation method for a process when a facility has more accurate emission data available. Additional requirements for the use of a specific emission estimation method include:

A. Continuous Emission Monitoring System (CEMS).

(I) CEMS must be shown to have met applicable performance specifications during the period for which data is being presented.

(II) CEMS data must be presented in the units which the system was designed to measure. Additional data sets used to extrapolate CEMS data must have equal or better reliability for such extrapolation to be acceptable.

(III) When using CEMS data to estimate emissions, the data must include all parameters (i.e., emission rate, gas flow rate, etc.) necessary to accurately determine the emissions. CEMS data which does not include all the necessary parameters must be reviewed and approved by the director or local air pollution control authority before it may be used to estimate emissions;

B. Stack tests.

(I) Stack tests must be conducted on the specific equipment for which the stack test results are used to estimate emissions.

(II) Stack tests must be conducted according to the methods cited in 10 CSR 10-6.030, unless an alternative method has been approved in advance by the director or local air pollution control authority.

(III) Stack tests will not be accepted unless the choice of test sites and a detailed test plan have been approved in advance by the director or local air pollution control authority.

(IV) Stack tests will not be accepted unless the director or local air pollution control authority has been notified of test dates at least thirty (30) days in advance and thus provided the opportunity to observe the testing. This thirty (30)-day notification may be reduced or waived on a case-by-case basis by the director or local air pollution control authority.

(V) Stack test results which do not meet all the criteria of parts (3)(E)(B)2.B.(I)–(IV) of this rule may be acceptable for estimating emissions[,] but must be submitted for review and approval by the director or local air pollution control authority on a case-by-case basis; and

C. *[EPA documents.]* Other EPA documents may be used to estimate emissions if the emission factors are more appropriate or source specific than AP-42 or FIRE. Newly developed EPA emission factors must be published by December 31 of the year for which the facility is submitting an *[EIQ]* **emissions report**.

[(F)](C) *[Emission Fee Auditing/Adjustment]* **Emission Data and Fee Auditing and Adjustment**.

1. The department may conduct *[on-site]* detailed *[reviews]* *[(audits)]* of *[EIQs]* **emissions reports** and supporting documentation as the director deems necessary. **A minimum seven (7)-day notice must be provided to the installation to prepare documentation if this audit is done on-site.**

2. The department may make emission fee adjustments when **any of the following applies—**

A. Clerical or arithmetic errors have been made;

B. Submitted documentation is not supported by inspections or audits;

C. Emissions estimates are modified as a result of emission verification or audits;

D. Credit has been incorrectly applied for an emissions fee paid to a local air pollution control agency; or

E. *[The department shall not be limited by subparagraphs (3)(F)2.A.–D. of this rule in making emission fee adjustments.]* **Emission estimation calculation varies from the methods described in subsection (3)(B) of this rule.**

3. **The department is not limited by subparagraphs (3)(C)2.A.–E. of this rule in making emission fee adjustments.**

4. **Adjustments to data and fees will be subject to a three (3)-year statute of limitations unless it is—**

A. **Due to a willful failure to report emissions or fraudulent representation for which there shall be no statute of limitations; or**

B. **Adjustment of emissions is based on a permitting action under 40 CFR 52.21 for which an adjustment of fees is required to all years of emission data changed up to a maximum of ten (10) years. If approved, fees in effect at the time will be due but no credit will be applied at the emission unit level.**

(D) **Public Availability of Emission Data and Process Information.** **Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.**

(4) Reporting and Record Keeping. *[Owners or operators shall maintain records containing sufficient information to demonstrate compliance with all applicable emission fee rule requirements as specified in subsections (3)(A) and (B).]* All data collected and recorded in accordance with the provisions of this rule shall be retained by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was collected and all these records shall be made available *[to the director upon his/her]* **upon the director's request.**

(A) **The owner or operator of an installation that is subject to this rule shall collect information as required in this section of the rule. The information required in the emissions report is listed in Table 3 of this rule. All data elements must be reported initially and only changed data elements must be reported subsequently. To ensure permit consistency, the Air Pollution Control Program Emissions Inventory Unit will provide assistance to identify and quantify the data elements in Table 3 of this rule.**

TABLE 3. Data Elements

| |
|---|
| 1. Inventory year |
| 2. Contact name |
| 3. Contact phone number |
| 4. Federal Information Processing Standard (FIPS) County Code |
| 5. Installation plant ID Code |
| 6. Emission unit ID |
| 7. Stack ID |
| 8. Site name |
| 9. Physical address |
| 10. Source Classification Code (SCC) |
| 11. Heat content (fuel) (annual average) |
| 12. Ash content (fuel) (annual average) |
| 13. Sulfur content (fuel) (annual average) |
| 14. Reportable Pollutant |
| 15. Activity/throughput |
| 16. Annual emissions |
| 17. Emission factor, with method |
| 18. Winter throughput (percent) |
| 19. Spring throughput (percent) |
| 20. Summer throughput (percent) |
| 21. Fall throughput (percent) |
| 22. Hr/day in operation |
| 23. Days/wk in operation |
| 24. Wks/yr in operation |
| 25. Stack height |
| 26. Stack diameter |
| 27. Exit gas temperature |
| 28. Exit gas velocity |
| 29. Exit gas flow rate |
| 30. Capture efficiency (percent) |
| 31. Control efficiency (percent) |
| 32. Control device type |
| 33. Emission release point type |
| 34. Maximum Hourly Design Rate (MHDR) |

(B) The full emissions report shall be submitted either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emissions Inventory Questionnaire (EIQ) paper forms on the frequency specified in Table 4 of this rule. Alternate methods of reporting the emissions, such as a spreadsheet file, can be submitted for approval by the director.

TABLE 4. Reporting Frequency

| Installation Classification | Frequency of Full Emissions Report | Frequency of Reduced Reporting Form |
|---|--|---|
| Any installation required to obtain a Part 70 permit under 10 CSR 10-6.065. | Annually. | Not Applicable. |
| Any installation with an intermediate operating permit. | Once every three (3) years beginning with reporting year 2011, with subsequent years of 2014, 2017, 2020, etc., and when installation-wide emissions subject to fees increase or decrease by five (5) tons or more since the last full emissions report. | When installation-wide emissions subject to fees increase or decrease less than five (5) tons compared to the last full emissions report. |
| Small sources, as defined in subsection (2)(F) of this rule. | When installation-wide emissions subject to fees increase or decrease by five (5) tons or more since the last full emissions report. | When installation-wide emissions subject to fees increase or decrease less than five (5) tons compared to the last full emissions report. |

(C) An installation not required to submit a full emissions report is required to submit a Reduced Reporting Form, which is due March 1 after each reporting year.

(D) The full emissions report is due March 1 after each reporting year. If the full emissions report is filed electronically via MoEIS, this due date is extended to April 1.

(E) For small sources, the first full emissions report is for the first full calendar year of operation in order to obtain a representative annual emissions total.

(F) For point sources, the initial full emissions report will be required for the first partial year of operation.

(G) For holders of intermediate permits and small sources as defined in this rule, a construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a full emissions report for the first full calendar year the affected permitted equipment operates.

(H) The installation owner or operator of record on December 31 of the reporting year is responsible for the emissions report and associated fees for the entire reporting year.

(I) If there is no production from an installation in a reporting year, no emission fees are due for that year but notice of such status must be provided to the director in writing by the emissions report due date of March 1.

(J) If an installation is out of business, the final emissions report required will be for the full or partial year the installation went out of business. Notice of such status must be provided to the director in writing by the emissions report due date of March 1.

(K) After the effective date of this rule, any revision to the department-supplied EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed June 13, 1984, effective Nov. 12, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 21, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The federal rulemaking that incorporates these reporting requirements states that these changes are estimated to decrease costs associated with emissions inventory reporting.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The federal rulemaking that incorporates these reporting requirements states that these changes are estimated to decrease costs associated with emissions inventory reporting.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., April 29, 2010. The public hearing will be held at the Drury Inn and Suites, 2111 Sulphur Avenue, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., May 6, 2010. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

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

PROPOSED AMENDMENT

11 CSR 45-12.010 Excursion Liquor License Required. The commission is amending section (2).

PURPOSE: This amendment provides the ability to impose discipline upon specific facilities named within an excursion liquor license.

(2) The commission shall have the authority to discipline for cause the Excursion Liquor licensee, **any facility named on the excursion liquor license, or the Class A or Class B licensee** for any violation of Missouri Law or these rules.

AUTHORITY: section[s] 313.004, RSMo 2000 and sections 313.805 and 313.840, RSMo [1994] Supp. 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 Jan. 27, 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 April 7, 2010, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits**

PROPOSED AMENDMENT

16 CSR 50-2.010 Definitions. The board is amending subsection (1)(K).

PURPOSE: This amendment clarifies the treatment of certain differential pay as compensation under the plan.

(1) When used in these regulations or in sections 50.1000 to 50.1300, RSMo, the words and phrases defined hereinafter shall have the following meanings unless a different meaning is clearly required by the context of the plan:

(K) Compensation means, for all periods on or after January 1, 2000, all salary and other compensation paid by an employer to an employee as shown on the employee's Form W-2, plus amounts paid by an employer but excluded from W-2 compensation by reason of Internal Revenue Code sections 125, 402(g)(3), 414(h)(2), or 457, but not including travel and mileage reimbursement[,] and not including compensation in excess of the limit imposed by section 401(a)(17) of the Code. Compensation received from sources other than an employer and compensation received pursuant to independent contracting relationships shall not be included in calculating the retirement benefit. In the case of a participant who left the employer to join a uniformed service (as defined in the Uniformed Services Employment and Reemployment Rights Act of 1994), and returns to the employ of an employer before his or her reemployment rights under the statute expire, compensation, with respect to the plan years

in which the participant was in the uniformed service, shall mean the compensation the participant would have earned had he remained in the employ of the employer. The board has the discretionary authority to make a reasonable estimate of this amount. **Effective January 1, 2009, in accordance with section 414(u)(12) of the Code, compensation shall include any differential wage payment (within the meaning of section 3401(h)(2) of the Code) made by the employer to an individual who does not currently perform services for the employer by reason of qualified military service (within the meaning of section 414(u)(5) of the Code) to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer.** For periods before January 1, 2000, compensation shall be determined under the terms of the prior plan;

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. Amended: Filed July 16, 1998, effective Jan. 30, 1999. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Sept. 17, 2007, effective March 30, 2008. Amended: Filed Jan. 25, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS

Division 50—The County Employees' Retirement Fund

Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.035 Payment of Benefits. The board is amending sections (5) and (6).

PURPOSE: This amendment clarifies that the plan shall comply with a reasonable and good faith interpretation of U.S. Code section 401(a)(9) and shall be subject to collection for child support.

(5) 401(a)(9) Requirements. Notwithstanding anything to the contrary contained in the plan, the entire interest of a participant will be distributed in accordance with a **reasonable and good faith interpretation** of U.S. Code section 401(a)(9) and the regulations thereunder beginning no later than the participant's required beginning date. The provisions of this section will apply for purposes of determining required minimum distributions *[for calendar years beginning with the 2003 calendar year]* in accordance with a **reasonable and good faith interpretation**.

(6) Non-Assignability of Benefits/**Child Support.** A participant's right to an annuity or other benefits under the plan shall not be subject to execution, garnishment, attachment, writ of sequestration, the operation of bankruptcy or insolvency laws, a qualified domestic relations order (as defined in 26 U.S.C. section 414(p) or 29 U.S.C. section 1056(d)), or to any other claim or process of law whatsoever, and shall be unassignable, **except that any payment from the plan shall be subject to the collection of child support.**

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed July 29, 1997, effective Jan. 30, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 25, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS

Division 50—The County Employees' Retirement Fund

Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.120 Benefits Upon Participant's Death. The board is amending section (5), adding a new section (6), and renumbering the current section (6) to be section (7).

PURPOSE: This amendment will permit the return of certain contributions.

(5) The designated beneficiary of a participant **described in section (6) below** who dies without a surviving spouse *[before his or her annuity starting date but]* after having earned at least eight (8) vested years of service, or, if the participant fails to designate a beneficiary, then such participant's estate, shall be entitled to a refund of such participant's contributions **(in the case of a participant described in subsection (6)(A)) or only the participant's contributions, if any, made during the participant's subsequent employment (in the case of a participant described in subsection (6)(B))** after the receipt by the board or its designee of a notice of death from such participant's employer, or such other form of proof acceptable to the board. Such refund shall be made to the beneficiary in a single sum as soon as administratively feasible following receipt of the notice of death by the board or its designee. For purposes of this section, it shall not be administratively feasible for the board or its designee to disburse a refund until the board or its designee also receives proper verification and reconciled contribution information from the employer.

(6) A participant will be entitled to a refund under section (5) above only if the participant meets the criteria set forth in section (5) and meets either of the following criteria:

- (A) He or she dies before his or her annuity starting date; or
- (B) He or she returns to service after a prior separation from service and after benefit payments under the plan had commenced relating to a prior period of service, provided that such participant described in this subsection dies before his or her annuity starting date relating to such subsequent period of service.

[(6)](7) In the case of a participant who dies while performing qualified military service (as defined in section 414(u) of the Code), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and

then terminated employment on account of death. The foregoing shall be effective with respect to deaths occurring on or after January 1, 2007. Notwithstanding anything herein to the contrary, the plan shall be administered to comply with the Heroes Earnings Assistance and Tax Relief Act of 2008, to the extent required therein.

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Nov. 10, 2005, effective May 30, 2006. Amended: Filed Sept. 5, 2007, effective March 30, 2008. Amended: Filed Sept. 8, 2008, effective March 30, 2009. Amended: Filed Jan. 25, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.130 Direct Rollover Option. The board is amending section (4).

PURPOSE: This amendment provides for an eligible rollover distribution to a non-spouse beneficiary, eligible rollover distributions of after-tax contributions, and eligible rollover distributions to a Roth IRA.

(4) For purposes of this regulation, the following terms have the meanings set forth below:

(A) An "eligible rollover distribution" is any distribution or withdrawal payable under the terms of this plan to a participant or a participant's beneficiary, which is described in Code section 402(c)(4). In general, this term includes any single-sum distribution, and any distribution which is one in a series of substantially equal periodic payments made over a period of less than ten (10) years, and is less than the distributee's life expectancy. However, an eligible rollover distribution does not include the portion of any distribution that constitutes a minimum required distribution under Code section 401(a)(9). [Such term also does not include a distribution to the participant's beneficiary, unless the beneficiary is the participant's spouse.] A portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, **effective January 1, 2007**, such portion may be paid only to an individual retirement account or annuity described in section 408(a) or (b) of the Code, or to a qualified [defined contribution plan described in section 401(a) or 403(a) of the Code that agrees to] trust, or to an annuity contract described in section 403(b) of the Code, if such trust or contract separately accounts for amounts so transferred (and interest thereon), including separately accounting for the portion of the distribution which is includible in gross income and the portion of such distribution which is not so includible.

(B) "Eligible retirement plan" means:

1. An individual retirement account described in Code section 408(a);
2. An individual retirement annuity described in Code section 408(b);
3. An annuity plan described in Code section 403(a); [and]
4. An annuity contract described in Code section 403(b);
5. An eligible plan under Code section 457(b) which is maintained by an eligible employer described in Code section 457(e)(1)(A); [and]
6. A qualified trust described in Code section 401(a), but only if the terms of the plan permit the acceptance of rollover distributions[.]; and
7. **Effective January 1, 2008, a Roth IRA described under Code section 408A, to the extent permitted by applicable law.** [The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse.]

(C) "Distributee" means a participant or the spouse of a deceased participant. **Effective January 1, 2007, a participant's designated non-spouse beneficiary may be a distributee but only with respect to an eligible retirement plan described in paragraphs (4)(B)1. and 2. above.**

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed July 6, 2001, effective Jan. 30, 2002. Amended: Filed Nov. 10, 2005, effective May 30, 2006. Amended: Filed Jan. 25, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

16 CSR 50-10.010 Definitions. The board is amending subsection (1)(E).

PURPOSE: This amendment clarifies the treatment of certain differential pay as compensation under the plan.

(1) Whenever used in this Chapter 10, the following terms shall have the meanings as set forth in this rule 16 CSR 50-10.010 unless a different meaning is clearly required by the context:

(E) Compensation means all salary and other compensation paid by an Employer to a county employee for personal services rendered as a county employee, as shown on the Employee's Form W-2, plus amounts paid by an Employer but excluded from W-2 compensation by reason of Code sections 125, 402(g)(3), 414(h)(2), or 457, but not including travel and mileage reimbursement, and not including compensation in excess of the limit imposed by section 401(a)(17) of the Code. **Effective January 1, 2009, in accordance with section 414(u)(12) of the Code, compensation shall include any differential wage payment (within the meaning of section 3401(h)(2) of**

the Code) made by the Employer to an individual who does not currently perform services for the Employer by reason of qualified military service (within the meaning of section 414(u)(5) of the Code) to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the Employer. Notwithstanding the foregoing, compensation shall only include amounts paid during an employee's employment, except as provided in the remainder of this paragraph. To the extent that the following amounts are otherwise included in the definition of compensation and are paid no later than the date which is two and one-half (2 ½) months after termination of employment, or, if later, the end of the plan year in which such termination occurs, such amounts paid after an employee's termination of employment shall be deemed compensation: regular pay, including compensation for services during regular working hours, overtime, shift differential, commissions, bonuses, or other similar payments[.]; and payment for unused accrued sick, vacation, or other leave, but only if the employee would have been able to use the leave if employment had continued. The exclusions provided for in the first sentence of this paragraph with respect to post-employment payments shall not apply to payments to an individual who does not currently perform services for the Employer by reason of qualified military service, to the extent such payments do not exceed the compensation such individual would have received from the Employer if he or she had continued to perform services for the Employer.

AUTHORITY: section 50.1000, RSMo Supp. [2008] 2009 and sections 50.1210–50.1260, RSMo 2000 and Supp. [2008] 2009. Original rule filed May 9, 2000, effective Jan. 30, 2001. Amended: Filed April 25, 2002, effective Nov. 30, 2002. Amended: Filed Dec. 22, 2008, effective July 30, 2009. Amended: Filed Jan. 25, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS

Division 50—The County Employees' Retirement Fund Chapter 10—County Employees' Defined Contribution Plan

PROPOSED AMENDMENT

16 CSR 50-10.050 Distribution of Accounts. The board is amending subsection (4)(D) and section (5).

PURPOSE: This amendment provides for eligible rollover distributions to a non-spouse beneficiary and eligible rollover distributions to a Roth IRA and clarifies required minimum distributions.

(4) Direct Rollover Option.

(D) For purposes of this section (4), the following terms have the meanings set forth below:

1. An "eligible rollover distribution" is any distribution or withdrawal payable under the terms of this Plan to a Participant or **Participant's Beneficiary**, which is described in Code section 402(c)(4). In general, this term includes any single-sum distribution,

and any distribution which is one (1) in a series of substantially equal periodic payments made over a period of less than ten (10) years, and is less than the distributee's life expectancy. However, an eligible rollover distribution does not include the portion of any distribution which constitutes a minimum required distribution under Code section 401(a)(9) or, after December 31, 2001, any distribution due to Hardship. *[Such term also does not include a distribution to the Participant's Beneficiary, unless the Beneficiary is the Participant's spouse.]*

2. For Plan Years beginning after December 31, 2001, "eligible retirement plan" means—

A. An individual retirement account described in Code section 408(a);

B. An individual retirement annuity described in Code section 408(b);

C. An annuity plan described in Code section 403(a); *[and]*

D. A retirement plan qualified under Code section 401(a), but only if the terms of the plan permit the acceptance of rollover distributions[.];

E. An annuity contract described in Code section 403(b); *[and]*

F. An eligible deferred compensation plan under Code section 457(b) which is maintained by a state, a political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state which agrees to separately account for amounts transferred into such plan from this Plan[.]; **and**

G. **Effective January 1, 2008, a Roth IRA described under Code section 408A, to the extent permitted by applicable law.**

3. "Distributee" means a Participant or the spouse of a deceased Participant. **Effective January 1, 2007, a Participant's designated non-spouse Beneficiary may be a distributee but only with respect to an eligible retirement plan described in subparagraphs (4)(D)2.A. and B. above.**

(5) Compliance with Code Section 401(a)(9). Notwithstanding anything to the contrary contained in the Plan, the entire interest of a Participant will be distributed in accordance with a **reasonable and good faith interpretation** of Code section 401(a)(9) and the regulations thereunder beginning no later than the participant's required beginning date. The provisions of this section will apply for purposes of determining required minimum distributions *[for calendar years beginning with the 2003 calendar year]* in accordance with a **reasonable and good faith interpretation**. Notwithstanding the other provisions of this section, distributions may be made under a designation made before January 1, 1984, in accordance with section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the Plan that relate to section 242(b)(2) of TEFRA.

AUTHORITY: section 50.1250, RSMo Supp. [2008] 2009 and section 50.1260, RSMo 2000. Original rule filed May 9, 2000, effective Jan. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 25, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees’ Retirement Fund
Chapter 10—County Employees’ Defined Contribution Plan

PROPOSED AMENDMENT

16 CSR 50-10.060 Death Benefits. The board is amending section (4) and adding a new section (5).

PURPOSE: This amendment amends the rollover provisions consistent with provisions of the plan and amends benefits to the beneficiaries of participants who die while performing qualified military service.

(4) Direct Rollover. *If the Participant’s Beneficiary is his or her spouse, the/* The direct rollover provisions shall apply to a distribution made in accordance with this rule to the extent provided by the Plan and applicable law.

(5) Death During Military Service. Effective January 1, 2007, where a Participant dies while performing qualified military service (as defined by section 414(u) of the Code), the survivors of the Participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service), and the rights and features accompanying those benefits, provided under the Plan that would be available under the Plan had the Participant resumed and then terminated employment on account of death. Notwithstanding anything herein to the contrary, the Plan shall be administered to comply with the Heroes Earnings Assistance and Tax Relief Act of 2008 to the extent required therein.

AUTHORITY: section 50.1250, RSMo Supp. [1999] 2009. Original rule filed May 9, 2000, effective Jan. 30, 2001. Amended: Filed Jan. 25, 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 County Employees’ Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees’ Retirement Fund
Chapter 20—County Employees’ Deferred Compensation Plan

PROPOSED AMENDMENT

16 CSR 50-20.070 Distribution of Accounts. The board is amending subsection (7)(D) and section (9).

PURPOSE: This amendment provides for eligible rollover distributions to a Roth IRA and non-spouse beneficiary and clarifies required minimum distributions.

(7) Direct Rollover Option.

(D) For purposes of this section (7), the following terms have the meanings set forth below:

1. An “eligible rollover distribution” is any distribution or withdrawal payable under the terms of this Plan to a Participant or a Participant’s Beneficiary, which is described in Code section 402(c)(4). In general, this term includes any single-sum distribution, and any distribution which is one in a series of substantially equal periodic payments made over a period of less than ten (10) years, and is less than the distributee’s life expectancy. However, an eligible rollover distribution does not include the portion of any distribution which constitutes a minimum required distribution under Code section 401(a)(9) or any distribution due to unforeseeable emergency. Such term also does not include a distribution to the Participant’s Beneficiary, unless the Beneficiary is the Participant’s spouse];

2. “Eligible retirement plan” means—

A. An individual retirement account described in Code section 408(a);

B. An individual retirement annuity described in Code section 408(b);

C. An annuity plan described in Code section 403(a);

D. A retirement plan qualified under Code section 401(a), but only if the terms of the plan permit the acceptance of rollover distributions;

E. An annuity contract described in Code section 403(b); [and]

F. An eligible deferred compensation plan under Code section 457(b) which is maintained by a state, a political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state; and

G. Effective January 1, 2008, a Roth IRA described under Code section 408A to the extent permitted by applicable law; and

3. “Distributee” means a Participant or the spouse of a deceased Participant. Effective January 1, 2007, a Participant’s designated non-spouse Beneficiary may be a distributee but only with respect to an eligible retirement plan described in subparagraphs (7)(D)2.A. and B. above.

(9) All distributions under this rule 16 CSR 50-20.070 shall be made in accordance with a reasonable and good faith interpretation of the requirements of Code sections 457(d)(2) and 401(a)(9).

AUTHORITY: section 50.1300, RSMo 2000. Original rule filed May 9, 2000, effective Jan. 30, 2001. Amended: Filed April 25, 2002, effective Nov. 30, 2002. Amended: Filed June 7, 2006, effective Jan. 30, 2007. Amended: Filed Jan. 25, 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 County Employees’ Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees’ Retirement Fund
Chapter 20—County Employees’ Deferred Compensation Plan

PROPOSED AMENDMENT

16 CSR 50-20.080 Death Benefits. The board is amending sections (4) and (5) and adding a new section (6).

PURPOSE: This amendment clarifies the availability of a direct rollover for death benefits, provides parity with respect to benefits where a participant dies while performing qualified military service, and clarifies required minimum distributions.

(4) All death benefits paid in accordance with this rule 16 CSR 50-20.080 shall be made in accordance with a reasonable and good faith interpretation of the requirements of Code sections 457(d)(2) and 401(a)(9).

(5) Direct Rollover. *[If the Participant's Beneficiary is his or her spouse, the]* The direct rollover provisions shall apply to a distribution made in accordance with this rule to the extent provided by the Plan and applicable law.

(6) **Death During Military Service.** Effective January 1, 2007, where a Participant dies while performing qualified military service (as defined by section 414(u) of the Code), the survivors of the Participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service), and the rights and features accompanying those benefits, provided under the Plan that would be available under the Plan had the Participant resumed and then terminated employment on account of death. Notwithstanding anything herein to the contrary, the Plan shall be administered to comply with the Heroes Earnings Assistance and Tax Relief Act of 2008 to the extent required therein.

AUTHORITY: section 50.1300, RSMo 2000. Original rule filed May 9, 2000, effective Jan. 30, 2001. Amended: Filed April 25, 2002, effective Nov. 30, 2002. Amended: Filed Jan. 25, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED AMENDMENT

16 CSR 50-20.120 Additional Provisions. The board is amending subsections (1)(F), (1)(I), (2)(F), (2)(G), (4)(A), (4)(B), (4)(C), and (4)(K) and adding a new subsection (2)(H).

PURPOSE: This amendment clarifies the treatment of certain differential pay as compensation under the plan, the eligible rollover distribution provisions of the plan, distributions on or after age seventy and one-half (70 1/2), the required minimum distributions, and benefits for a participant who dies in certain military service.

(1) The following words and terms, when used in this section, have

the meaning set forth below:

(F) **Compensation**—All cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includible in the Employee's gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Employee's gross income for the calendar year but for a compensation reduction election under section 125, 132(f), 401(k), 403(b), or 457(b) of the Code (including an election to defer compensation under section (3)). **Effective January 1, 2009, in accordance with section 414(u)(12) of the Code, Compensation shall include any differential wage payment (within the meaning of section 3401(h)(2) of the Code) made by the Employer to an individual who does not currently perform services for the Employer by reason of qualified military service (within the meaning of section 414(u)(5) of the Code) to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the Employer.** Compensation of each Participant taken into account under this Plan shall in no event exceed the amount specified in /S/section 401(a)(17) of the Code as adjusted for any applicable increases in the cost of living (two hundred thirty thousand dollars (\$230,000) for 2008). Compensation shall only include amounts paid during an Employee's employment, except as provided in the remainder of this paragraph. To the extent that the following amounts are otherwise included in the definition of Compensation and are paid no later than the date which is two and one-half (2½) months after termination of employment or, if later, the end of the Plan Year in which such termination occurs, such amounts paid after an Employee's termination of employment shall be deemed Compensation: i) regular pay, including compensation for services during regular working hours, overtime, shift differential, commissions, bonuses, or other similar payments, and ii) payment for unused accrued sick, vacation, or other leave, but only if the Employee would have been able to use the leave if employment had continued. The exclusions provided for in the first sentence of this paragraph with respect to post-employment payments shall not apply to payments to an individual who does not currently perform services for the Employer by reason of qualified military service, to the extent such payments do not exceed the Compensation such individual would have received from the Employer if he or she had continued to perform services for the Employer;

(I) **Includible Compensation**—An Employee's actual wages as reported in box 1 of Form W-2 for a year for services to the Employer, but subject to a maximum of two hundred thirty thousand dollars (\$230,000) (or such higher maximum as may apply under section 401(a)(17) of the Code) and increased (up to the dollar maximum) by any compensation reduction election under section 125, 132(f), 401(k), 403(b), or 457(b) of the Code (including an election to defer Compensation under section (3)). **Effective January 1, 2009, in accordance with section 414(u)(12) of the Code, Compensation shall include any differential wage payment (within the meaning of section 3401(h)(2) of the Code) made by the Employer to an individual who does not currently perform services for the Employer by reason of qualified military service (within the meaning of section 414(u)(5) of the Code) to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the Employer.** Notwithstanding the foregoing, Includible Compensation shall only include amounts paid during an Employee's employment, except as provided in the remainder of this paragraph. To the extent that the following amounts are otherwise included in the definition of Includible Compensation and are paid no later than the date which is two and one-half (2½) months after termination of employment or, if later, the end of the limitation year in which such termination occurs. Such amounts paid after an Employee's termination of employment shall be deemed compensation: i) regular pay, including compensation for services during regular working hours, overtime, shift differential, commissions, bonuses, or other similar

payments, and ii) payment for unused accrued sick, vacation, or other leave, but only if the Employee would have been able to use the leave if employment had continued. The exclusion described in this paragraph with respect to post-employment payments shall not apply to payments to an individual who does not currently perform services for the Employer by reason of qualified military service, to the extent such payments do not exceed the Includible Compensation such individual would have received from the Employer if he or she had continued to perform services for the Employer;

(2) Participation and contributions shall be in accordance with the following:

(F) Leave of Absence. Unless an election is otherwise revised, if a Participant is absent from work by leave of absence, Annual Deferrals under the Plan shall continue to the extent that Compensation continues; *and*

(G) Disability. A disabled Participant may elect Annual Deferrals during any portion of the period of his or her disability to the extent that he or she has actual Compensation (not imputed Compensation and not disability benefits) from which to make contributions to the Plan and has not had a Severance from Employment~~./.~~; **and**

(H) **Death During Military Service. Where a Participant dies while performing qualified military service (as defined by section 414(u) of the Code), section 16 CSR 50-20.080(6) of the plan shall apply.**

(4) Benefit distributions shall be in accordance with the following:

(A) Benefit Distributions at **Age seventy and one-half (70 1/2)**, Retirement or Other Severance from Employment. Upon **attainment of age seventy and one-half (70 1/2)**, retirement, or other Severance from Employment (other than due to death), a Participant is entitled to receive a distribution of his or her Account Balance under any form of distribution permitted under subsection (4)(C) commencing at the date elected under subsection (4)(B). If a Participant does not elect otherwise, the distribution shall be paid as soon as practicable following Normal Retirement Age or, if later, following retirement or other Severance from Employment and payment shall be made in a lump sum.

(B) Election of Benefit Commencement Date. A Participant may elect to commence distribution of benefits at any time after **attainment of age seventy and one-half (70 1/2)**, retirement, or other Severance from Employment by a notice filed at least (30) days before the date on which benefits are to commence.

However, in no event may distribution of benefits commence later than the date described in subsection (4)(H).

(C) Forms of Distribution. In an election to commence benefits under subsection (4)(B), a Participant entitled to a distribution of benefits under this section (4) may elect to receive payment in such forms of distribution described in the Plan, to the extent the material terms and conditions for those forms are set forth in the Plan and the additional forms of payment satisfy **a reasonable and good faith interpretation of the requirements of section 401(a)(9) of the Code and subsection (4)(H) below** and are not inconsistent with this section (4).

(K) Rollover Distributions.

1. A *[Participant or the surviving spouse of a Participant]* **distributee** who is entitled to an eligible rollover distribution may elect, at the time and in the manner prescribed by the Administrator, to have all or any portion of the distribution paid directly to an eligible retirement plan specified by the *[Participant]* **distributee** in a direct rollover.

2. For purposes of this subsection (4)(K), an eligible rollover distribution means any distribution of all or any portion of a Participant's Account Balance, **determined in accordance with applicable law and the terms of the Plan**, except that an eligible rollover distribution does not include—

A. Any installment payment under subsection (4)(C) for a period of ten (10) years or more;

B. Any distribution made under subsection (4)(I) as a result of an unforeseeable emergency; or

C. For any other distribution, the portion, if any, of the distribution under section 401(a)(9). In addition, an eligible retirement plan means an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, a qualified trust described in section 401(a) of the Code, an annuity plan described in section 403(a) or 403(b) of the Code, *[or]* an eligible government plan described in section 457(b) of the Code, that accepts the eligible rollover distribution, **or, effective January 1, 2008, a Roth IRA described under section 408A of the Code, to the extent permitted by applicable law.**

3. A **“distributee” means a Participant or the spouse of a deceased Participant. Effective January 1, 2007, a Participant's designated non-spouse Beneficiary may be a distributee but only with respect to an eligible retirement plan described in subparagraphs 16 CSR 50-20.070(7)(D)2.A. and B.**

AUTHORITY: section 50.1300, RSMo 2000. Original rule filed Nov. 10, 2005, effective May 30, 2006. Amended: Filed Dec. 22, 2008, effective July 30, 2009. Amended: Filed Jan. 25, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.