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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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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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Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
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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.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

2012, and any individuals renewing their license beginning September 1, 2012, will be assessed the decreased renewal fee. Without this emergency amendment, the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency amendment, the board has determined that the fee decreases are necessary for the 2012 renewal period to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 332.061, RSMo. Pursuant to section 324.001.10., RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed July 26, 2012, becomes effective August 5, 2012, and expires February 28, 2013.

(1) The following fees are established by the Missouri Dental Board:

(C) Biennial License Renewal Fee

- |                              |             |
|------------------------------|-------------|
| 1. Dentist License           | \$[250] 220 |
| 2. Dental Specialist License | \$[270] 220 |
| 3. Dental Hygienist License  | \$[130] 100 |

*AUTHORITY:* section 332.031.3., RSMo 2000. This rule originally filed as 4 CSR 110-2.170. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 6, 1981. Original rule filed June 30, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed July 26, 2012, effective Aug. 5, 2012, expires Feb. 28, 2013. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

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

### Division 2110—Missouri Dental Board Chapter 2—General Rules

#### EMERGENCY AMENDMENT

**20 CSR 2110-2.170 Fees.** The board is amending subsection (1)(C).

*PURPOSE:* This amendment reduces dentist, dental specialist, and dental hygienist biennial renewal fees.

*EMERGENCY STATEMENT:* The Missouri Dental Board is statutorily obligated to enforce and administer the provisions of Chapter 332, RSMo, governing the practice of dentistry. Pursuant to section 332.031, RSMo, the board shall set the amount of the fees which this chapter authorizes at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter. Therefore, the board is proposing to decrease the dentist license fee from two hundred fifty dollars (\$250) to two hundred twenty dollars (\$220), the dental specialist license fee from two hundred seventy dollars (\$270) to two hundred twenty dollars (\$220), and the dental hygienist license fee from one hundred thirty dollars (\$130) to one hundred dollars (\$100).

Dentists, dental specialists, and dental hygienist licenses expire on November 30, 2012. The renewal notice will be mailed September 1,

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2011.

## EXECUTIVE ORDER 12-07

WHEREAS, Executive Order 12-06 was issued on June 29, 2012, activating the Missouri State Emergency Operations Center in response to the severe heat, dry conditions and fire risks affecting the State of Missouri and to assist Missouri residents and communities address the hazards associated with this extreme weather pattern; and

WHEREAS, the State of Missouri continues to experience record heat and low precipitation; and

WHEREAS, this weather pattern has caused extreme drought conditions in many parts of the State of Missouri; and

WHEREAS, the excessive heat is creating a condition of distress and hazard to the health and safety of Missourians; and

WHEREAS, the dry conditions have caused several large natural cover fires and the risk for additional natural cover fires is expected to continue for several weeks; and

WHEREAS, the heat and low precipitation is detrimentally impacting Missouri agricultural producers; and

WHEREAS, the State of Missouri is monitoring the drought's affect on public water supplies and distribution; and

WHEREAS, the United States Department of Agriculture, at my request, has declared an agricultural disaster in all 114 Missouri counties; and

WHEREAS, the State of Missouri will continue to be proactive in addressing these and other challenges caused by these extreme weather conditions; and

WHEREAS, the resources of the State of Missouri are needed and will continue to be needed to assist those affected by these conditions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians.

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, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri and direct that the Missouri State Emergency Operations Plan be activated.

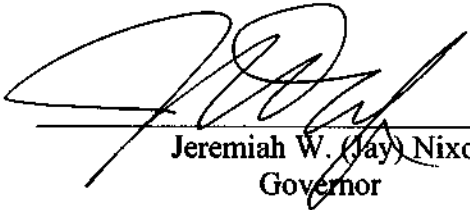
I further authorize the use of state agencies to provide assistance, as needed.

I further order that Executive Order 12-06 shall be extended until October 1, 2012.


This Order shall terminate on October 1, 2012, unless extended in whole or in part.



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 23<sup>rd</sup> day of July, 2012.

  
\_\_\_\_\_  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
\_\_\_\_\_  
Robin Carnahan  
Secretary of State

## EXECUTIVE ORDER

12-08

WHEREAS, Executive Order 12-07 was issued earlier this date declaring a State of Emergency for the State of Missouri due to the prolonged period of excessive heat and low precipitation; and

WHEREAS, the United States Department of Agriculture, at my request, has declared an agricultural disaster in all 114 Missouri counties; and

WHEREAS, this weather pattern has caused extreme drought conditions in many parts of the State of Missouri and is having a devastating impact on Missouri agriculture; and

WHEREAS, access to adequate water supplies for livestock and crop production has become extremely difficult for Missouri agricultural producers; and

WHEREAS, the State of Missouri will be proactive in addressing these and other challenges caused by these severe weather conditions.

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, including Chapter 44, RSMo, do hereby authorize the State Soil and Water Districts Commission to implement an emergency cost-share program for water source development and/or water distribution practices to assist landowners engaged in livestock or crop production adversely impacted by the current drought. This emergency cost-share program shall be specifically directed to address water challenges caused by the current drought where implementation of a water source development or water distribution practice would produce an immediate material benefit.

This emergency cost-share program shall be narrowly targeted to provide resources to alleviate immediate water shortages confronting Missouri agriculture. Due to the emergency nature of this program and the need for these water source and distribution practices to be implemented expeditiously, any rules, procedures and certifications generally applicable to soil and water cost-share programs are hereby waived for this emergency cost-share program.

In order to be eligible under this emergency cost-share program, the following criteria must be satisfied:

- 1) The landowner applicant must be engaged in livestock or crop production and experiencing a water shortage caused directly by the current drought conditions;
- 2) The water shortage being experienced by the landowner applicant is severely impacting the well-being of livestock or crop production;
- 3) The proposed water source development or water distribution practice will produce an immediate material benefit to the well-being of the livestock or crop production; and
- 4) The proposed water source development or water distribution practice will not adversely affect a public water supply.

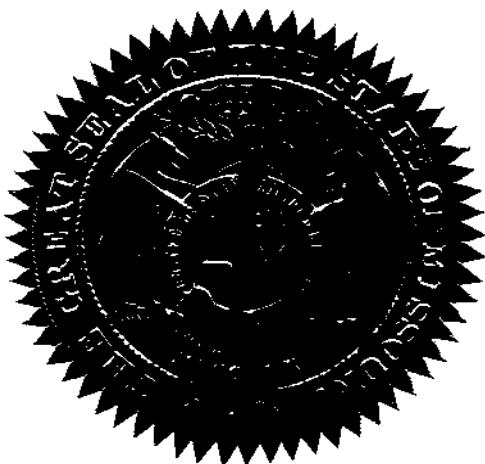


All applications under this emergency cost-share program by eligible landowners engaged in livestock or crop production must be submitted within fourteen days of issuance of this Order. Applications may be submitted either to the local soil and water district or to the State. Applications received by the State shall be immediately forwarded to the appropriate local soil and water district. The local soil and water district shall promptly notify the State when a completed application is received and upon taking final action on the application. The local soil and water district shall have seventy-two hours, including weekends, to approve or deny a completed application.

I further order the establishment of the Agriculture Water Resource Technical Review Team. The Directors of the Department of Agriculture and the Department of Natural Resources are directed to immediately assign adequate staff with agricultural and water resource experience to the Agriculture Water Resource Technical Review Team. The Agriculture Water Resource Technical Review Team shall assist in the expedited processing of applications and implementation of this emergency cost-share program. In addition, any completed application not acted upon by a local soil and water district within seventy-two hours of receipt shall be immediately forwarded to the Agriculture Water Resource Technical Review Team which shall approve or deny the application within seventy-two hours.

All projects approved under this emergency cost-share program shall be completed within sixty days of issuance of this Order. The cost-share rate shall be ninety percent (90%) of the costs of eligible practices under this emergency cost-share program. The maximum cost-share award under this program is \$20,000.

This Order shall terminate on October 1, 2012, unless extended in whole or in part.



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 23<sup>rd</sup> day of July, 2012.

  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
Robin Carnahan  
Secretary of State

**U**nder 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."

**E**ntirely 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.

**A**n 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.

**I**f 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*.

**A**n 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.

**I**f 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.

enforcement for Grade "A" retail raw fluid milk:

(F) The word person shall mean any individual, partnership, corporation, trustee, or association;

*AUTHORITY: section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE

### Division 80—State Milk Board

#### Chapter 3—Production and Distribution of Grade "A" Retail Raw Milk and Milk Products

#### PROPOSED AMENDMENT

**2 CSR 80-3.020 The Sale of Adulterated, Ungraded, or Misbranded Milk or Milk Products Prohibited.** The board is amending the purpose and section (1).

*PURPOSE: This amendment deletes outdated information in the rule purpose and makes minor grammatical changes.*

*PURPOSE: This rule provides for the control of adulterated, ungraded, or misbranded milk or milk products, or a combination of these. [This rule was previously known as Section 2.]*

(1) No person shall produce, sell, offer, or expose for sale or have in possession with intent to sell, any milk or milk products which are adulterated, misbranded, or ungraded.

*AUTHORITY: section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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.*

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 2—DEPARTMENT OF AGRICULTURE

### Division 80—State Milk Board

#### Chapter 3—Production and Distribution of Grade "A" Retail Raw Milk and Milk Products

#### PROPOSED AMENDMENT

**2 CSR 80-3.010 Definitions.** The board is amending the purpose, section (1), and subsection (1)(F).

*PURPOSE: This amendment deletes outdated information in the rule purpose and makes minor grammatical changes.*

*PURPOSE: This rule defines terms used in the regulations of the State Milk Board. [This rule was previously known as Section 1.]*

(1) The following regulations shall apply in the interpretation and the

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade “A”**  
**Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.030 Permits.** The board is amending the purpose and section (1).

*PURPOSE: This amendment deletes outdated information in the rule purpose and makes minor grammatical changes.*

*PURPOSE: This rule provides for the issuance of permits to individuals involved in the production and distribution of Grade “A” retail raw milk and milk products. [This rule was previously known as Section 3.]*

(1) Every producer-distributor producing and distributing Grade “A” retail raw milk under terms of these regulations shall secure a permit from the state authority. Only a person who complies with the requirements of these regulations shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons, locations, or both.

*AUTHORITY: section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade “A”**  
**Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.040 Labeling.** The board is amending the purpose and sections (1) and (2).

*PURPOSE: This amendment deletes outdated information in the rule purpose and makes minor grammatical changes.*

*PURPOSE: This rule provides regulations for the proper labeling of Grade “A” retail raw milk or milk products. [This rule was previously known as Section 4.]*

(1) All bottles and other containers enclosing milk, skim milk, or cream as defined in 2 CSR 80-3.010 shall be plainly labeled with the name of the contents as given in the definition of these regulations; the word raw; the grade of the contents; and the name and address of the producer-distributor.

(2) The label shall be in letters of an approved size, kind, and color,

and shall contain no marks or words which are misleading.

*AUTHORITY: section 196.939, RSMo [1986] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade “A”**  
**Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.050 Inspection of Production and Distribution Facilities.** The board is amending the purpose and sections (1) and (2).

*PURPOSE: This amendment deletes outdated information in the rule purpose and makes minor grammatical changes.*

*PURPOSE: This rule provides requirements concerning the inspection of production and distribution facilities. [This rule was previously known as Section 5.]*

(1) Prior to supplying milk or milk products, and at least once every six (6) months, the state authority shall inspect the production and distribution facilities of all producer-distributors whose milk or milk products are intended for consumption within the state as Grade “A” retail raw. If the state authority should discover the violation of any requirement, s/he shall make a second inspection after a lapse of such time as s/he may deem necessary for the defect to be remedied, but not before the lapse of three (3) days; and the second inspection shall be used in determining compliance with the requirements of 2 CSR 80-3.070. Any violation of the same requirement of these regulations on such reinspection shall call for immediate degrading, court action, or both.

(2) One (1) copy of the inspection report shall be posted by the state authority in a conspicuous place upon an inside wall of the milk-house, and the inspection report shall not be defaced or removed by any person except the state authority. Another copy of the inspection report shall be filed with the records of the state authority.

*AUTHORITY: section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 3—Production and Distribution of Grade “A”  
Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.060 The Examination of Milk and Milk Products.** The board is amending the purpose and sections (1) and (2).

*PURPOSE: This amendment deletes outdated information in the rule purpose, updates information regarding a manual, and makes minor grammatical changes.*

*PURPOSE: This rule specifies sampling frequency and required chemical and bacteriological test to be conducted on Grade “A” retail raw milk and milk products. [This rule was previously known as Section 6.]*

(1) During each six- (6-)/- month period, at least four (4) samples of milk, cream, or both, from each producer-distributor shall be taken on separate days and examined by the state authority. Samples may be taken any time prior to the final delivery of the milk or milk products. Bacterial plate counts, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the **most** current edition of *Standard Methods for the Examination of Dairy Products [recommended by] of the American Public Health Association as recommended by the Grade “A” Pasteurized Milk Ordinance (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(2) Whenever two (2) of the last four (4) consecutive bacteria counts, coliform determinations, or cooling temperatures, taken on separate days, exceeds the limit of the standards for the milk, milk product, or both, the state authority shall send a written notice to the person concerned. This notice shall be in effect so long as two (2) of the last four (4) consecutive samples exceed the limit of the standard. An additional sample shall be taken within fourteen (14) days of the sending of the notice, but not before the lapse of three (3) days. Immediate suspension of the permit in accordance with 2 CSR 80-3.030, the court action, or both, shall be instituted whenever the standard is violated by three (3) of the last five (5) bacteria counts, coliform determinations, or cooling temperatures.

*AUTHORITY: section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 3—Production and Distribution of Grade “A”  
Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.070 The Grading of Milk and Milk Products.** The board is amending the purpose, subsection (1)(A), and paragraphs (1)(A)6. and 7.

*PURPOSE: This amendment deletes outdated information in the rule purpose and makes minor grammatical changes.*

*PURPOSE: This rule provides standards which Grade “A” retail raw milk and milk products must meet. [This rule was previously known as Section 7.]*

(1) Grades shall be based on the following standards, the grading of milk products being identical with the grading of milk, except that the bacterial count standards shall be doubled in the case of cream. The grade of milk product shall be that of the lowest grade of milk product used in its preparation.

(A) Grade “A” retail raw milk is raw milk produced upon dairy farms conforming with all of the following items of sanitation. The bacterial plate count of the milk shall not exceed fifty thousand (50,000) per milliliter and not more than one hundred (100) coliform per milliliter as determined in accordance with 2 CSR 80-3.060.

1. Cow health. All herds and additions shall be tested and found free of tuberculosis before any milk is sold, and all herds shall be retested at least every twelve (12) months thereafter. The tests and retests shall be made and any reactors disposed of, in accordance with the latest requirements approved by the United States Department of Agriculture (USDA), for tuberculosis-free accredited herds, in effect at the time of the adoption of these regulations. A certificate identifying each animal signed by the veterinarian or attested to by the state authority, and filed as directed by the state authority, shall be evidence to the previously-mentioned test.

A. All herds and additions shall be tested and found free of brucellosis before any milk is sold, and all herds shall be retested at least every twelve (12) months thereafter. Tests and retests shall be made, and any reactors disposed of in accordance with the latest requirements by the USDA, in effect at the time of the adoption of these rules. A certificate identifying each animal, signed by the veterinarian and the director of the laboratory making the test and filed as directed by the state authority, shall be evidence of the previous test.

B. Cows which show a complete induration of one (1) quarter or extensive induration in one (1) or more quarters of the udder, upon physical examination whether secreting abnormal milk or not, shall be permanently excluded from the milking herd, provided that this shall not apply in the case of quarter that is completely dry. Cows giving bloody, stringy, or otherwise abnormal milk, but without entire or extensive induration of the udder, shall be excluded from the herd until reexamination shows that the milk has become normal.

C. For other diseases, such tests and examinations as the state authority may require after consultation with state livestock sanitary officials shall be made at intervals and by methods prescribed by him/her, and any diseased animals or reactors shall be disposed of as s/he may require.

2. Milking barn—lighting. A milking barn, stable, or parlor shall be provided. It shall be provided with adequate light, properly distributed for both day and night milking.

3. Milking barn—air space and ventilation. Sections of the milking barn, stable, or parlor where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

4. Milking barn—floors, animals. The floors and gutters of that portion of the barn, stable, or parlor in which cows are milked shall be constructed of concrete, or other approved, impervious, and easily-cleaned material. Floors and gutters shall be graded so as to drain properly and shall be kept clean and in good repair. No swine or fowl shall be permitted in the milking barn, stable, or parlor. If horses, dry cows, calves, or bulls should be stabled, they shall be confined in stalls, stanchions, or pens which shall be kept clean and in good repair.

5. Milking barn—walls and ceilings. The interior walls and the ceilings of the milking barn, stable, or parlor shall be whitewashed or painted as often as may be necessary or finished in an approved manner and shall be kept clean and in good repair. Where there is a second story above the milking barn, stable, or parlor, the ceiling shall be tight. If feed should be ground or mixed, or sweet food should be stored, in a feed room or feed storage space which adjoins the milking space, it shall be separated by a dust-tight partition and door.

6. Cowyard/—/. The cowyard shall be graded and drained as well as is practicable and shall be so kept that there are no standing pools of water nor accumulations of organic waste; provided, that in loafing areas, cattle housing areas, or both, manure droppings shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks. Swine shall be kept out.

7. Manure disposal/—/. All manure shall be removed and stored or disposed of in such a manner as to best prevent the breeding of flies and the access of cows to piles thereof.

8. Milkhouse or room—construction and equipment. There shall be provided a milkhouse or milkroom in which the cooling, handling, and storing of milk and milk products, and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done.

A. The milkhouse or room shall be provided with a smooth floor, constructed of concrete or other impervious material, maintained in good repair, and graded as to provide proper drainage.

B. It shall have walls and ceilings of such construction as to permit easy cleaning and shall be well painted or finished in an approved manner.

C. It shall be well lighted and well ventilated.

D. It shall have all openings effectively screened, including outward opening self-closing doors, unless other effective means are provided to prevent the entrance of flies.

E. It shall be used for no purposes other than those specified previously, except as may be approved by the state authority; it shall not open directly into a milking barn or stable, nor into any room used for domestic purposes; it shall have water piped into it; it shall be provided with adequate facilities for heating water to clean utensils; and it shall be equipped with three (3) compartment stationary, wash and rinse vats. The cleaning and other operations shall be located and conducted so as to prevent any contamination of the milk or cleaned equipment.

F. The milkhouse shall be partitioned to separate the handling of milk and storage of cleaned utensils from the cleaning and other operations, which shall be located and conducted as to prevent any contamination of the milk or of cleaned equipment. 2 CSR 80-3.100 shall be posted in the milkhouse.

9. Milkhouse or room—cleanliness and flies. The floors, walls, ceilings, and equipment of the milkhouse or room shall be kept clean at all times. All necessary means for the elimination of flies shall be used.

10. Toilet. Every dairy farm shall be provided with one (1) or more sanitary toilets, conveniently located and properly constructed, operated, and maintained so that the waste is inaccessible to flies and does not pollute the surface soil nor contaminate any water supply.

11. Water supply. Water for all dairy purposes shall be from a supply properly located, protected, and operated and shall be easily accessible, adequate, and of a safe, sanitary quality.

12. Utensils—construction. All multiuse containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth, nonabsorbent, non-corrodible, nontoxic material, shall be so constructed as to be easily cleaned, and shall be kept in good repair. Joints and seams shall be welded or soldered flush. Woven-wire cloth shall not be used for strained milk. When milk is strained, strainer pads shall be used and shall not be reused. All milk pails obtained shall be of the seamless, hooded type. All single-service articles used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

13. Utensils—cleaning. All multiuse containers, equipment, and other utensils used in the handling, storage, or transportation of milk and milk products shall be thoroughly cleaned after each usage.

14. Utensils—bactericidal treatment. All multiuse containers, equipment, and other utensils used in the handling, storage, or transportation of milk and milk products, before each usage, shall be subjected effectively to an approved bactericidal process utilizing steam, hot water, chemicals, or hot air.

15. Utensils—storage. All containers and other utensils used in the handling, storage, or transportation of milk or milk products, unless stored in bactericidal solutions, shall be stored so as to drain dry and so as not to become contaminated before being used.

16. Utensils—handling. After bactericidal treatment, containers, and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come into contact.

17. Milking—udders and teats, abnormal milk. Milking should be done in the milking barn, stable, or parlor. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

18. Milking—flanks. The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

19. Milkers' hands. Milkers' hands shall be washed clean, rinsed with an effective bactericidal solution, and dried with a clean towel, immediately before milking and immediately after any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands. No person with an infected cut or lesion on hands or arms shall milk cows or handle milk or milk utensils.

20. Clean clothing. Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

21. Milk stools. Milk stools and surcingles shall be kept clean.

22. Removal of milk. Each pail or can of milk shall be removed immediately to the milkhouse or straining room. No milk shall be strained or poured in the barn, unless it is protected from flies and other contamination.

23. Cooling. Immediately after completion of milking, milk and milk products shall be cooled to forty-five degrees Fahrenheit (45 °F) or less and shall be maintained at that temperature until delivery, as determined in accordance with 2 CSR 80-3.060.

24. Vehicles and surrounding. All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk or milk products shall have the distributor's name prominently displayed.

25. Bottling and capping. Milk and milk products not for pasteurization shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment, and these operations shall be integral in one (1) machine. Caps or cap stock shall be purchased in sanitary containers and shall be kept in a clean, dry place until used.

26. Personnel health/control of communicable diseases related to milk. The Missouri Department of Agriculture, State Veterinarian and the Executive Director of the State Milk Board in consultation with the local health authority, the director of the Department of Health and Senior Services (DHSS) or the director's designated representative, or physician authorized by him/her may examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed by one, whose work brings him/her into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If the examination or history should suggest that the person may be a carrier of, or be infected with, any communicable diseases likely to be transmitted through milk, s/he shall obtain any appropriate samples or specimens for laboratory analysis that may be necessary to confirm the diagnosis or presence of disease. The laboratory that provides testing for the samples or specimens will be certified by the Clinical Laboratory Improvement Act of 1988 (CLIA), and if the results justify, that person shall not be engaged in work that brings s/he into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment.

A. The person shall furnish information, submit to physical examinations, and submit laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

B. No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment.

C. Upon receiving a report of communicable disease, it shall be the duty of the local health authority, the director of the DHSS, or the director's designated representative to establish appropriate control measures which may include inspection of the premises, isolation, quarantine, disinfection, immunization, closure, or other measures considered appropriate by medical experts for the protection of public health.

D. Whenever a case of unrecognized illness is reported or otherwise brought to the attention of the local health authority or the DHSS and investigation presents evidence of a communicable disease, but sufficient time has not elapsed to render a positive diagnosis, after consultation with the director or his/her designated representative, the control measures applicable to actual cases of the suspected communicable disease will be implemented, until a positive diagnosis can be established. If a disease proves to be non-communicable, the temporary control measures shall be terminated at once.

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed April 30, 2010, effective Nov. 30, 2010. Amended: Filed July 24, 2012.

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade “A”**  
**Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.080 Suspension and Reinstatement of Permit.** The board is amending the purpose.

*PURPOSE:* This amendment deletes outdated information in the rule purpose.

*PURPOSE:* This rule provides regulations pertaining to the suspension and reinstatement of permits. [This rule was previously known as Section 8.]

*AUTHORITY:* section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade “A”**  
**Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.090 Transferring or Dipping Milk: Delivery Containers; Cooling; Quarantined Residences.** The board is amending the purpose.

*PURPOSE:* This amendment deletes outdated information in the rule purpose and makes minor grammatical changes.

*PURPOSE:* This rule provides regulations pertaining to transferring or dipping of milk, delivery containers, cooling, and quarantined residences. [This rule was previously known as Section 9.]

*AUTHORITY:* section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade “A”**  
**Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.100 Notification of Disease.** The board is amending the purpose and section (1).

*PURPOSE: This amendment deletes outdated information in the rule purpose and makes minor grammatical changes.*

*PURPOSE: This rule provides regulations for the notification of disease to the state authority. [This rule was previously known as Section 10.]*

(1) No person with any disease in a communicable form or who is a carrier of a communicable disease shall work at any dairy farm or milk plant in any capacity which brings him/her into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of having any disease in a communicable form or of being a carrier of a communicable disease. Any producer or distributor of milk or milk products upon whose dairy farm, or in whose milk plant, any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of a communicable disease shall notify the state authority immediately.

*AUTHORITY: section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade “A”**  
**Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.110 Procedure When Infection is Suspected.** The board is amending the purpose, section (1), and subsection (1)(C).

*PURPOSE: This amendment deletes outdated information in the rule purpose and makes minor grammatical changes.*

*PURPOSE: This rule provides regulations pertaining to the procedure when infection is suspected. [This rule was previously known as Section 11.]*

(1) When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the state authority is authorized to require any of the following measures:

(C) Adequate medical and bacteriological examination of the person, of his/her associates, and of his/her and their body discharges.

*AUTHORITY: section 196.939, RSMo[. Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade “A”**  
**Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.120 Enforcement Interpretation.** The board is amending the purpose and section (1).

*PURPOSE: This amendment deletes outdated information in the rule purpose, updates information regarding a manual, and makes minor grammatical changes.*

*PURPOSE: This rule provides regulations pertaining to enforcement interpretation. [This rule was previously known as Section 12.]*

(1) These regulations shall be enforced by the state authority primarily in accordance with the interpretations contained in *Grade “A” Pasteurized Milk Ordinance [with Administration Procedures—1989 Recommendations] (PMO), 2011 Revision* of the United States Department of Health and Human Services, Public Health Service//, Food and Drug Administration [a certified copy of which is on file with the secretary of state].

*AUTHORITY: section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade “A”**  
**Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.130 Adoption of the Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—1989 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/], Food and Drug Administration by Reference.** The board is amending the title, purpose, and text of the rule.

*PURPOSE:* This amendment updates the version of the Grade “A” Milk Ordinance (PMO) and makes minor grammatical changes.

*PURPOSE:* The Grade “A” Milk Ordinance [with Administrative Procedures—1989 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/], Food and Drug Administration is a recommended ordinance for adoption by state and local governments for the sanitary control of Grade “A” milk and milk products.

The Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—1989 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/], Food and Drug Administration establishes minimum standards which must be complied with for satisfactorily producing Grade “A” retail raw milk. The document further contains administrative procedures which provide information as to satisfactory compliance with the required items of sanitation.

*AUTHORITY:* section 196.939, RSMo [Supp. 1993] 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012.

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 6—Requirements for the Missouri Dairy Law**

**PROPOSED AMENDMENT**

**2 CSR 80-6.011 Specifications for the Construction and Operation of Facilities and Installation of Equipment for the Production and Processing of Manufacturing Milk and Milk Products.** The board is amending sections (1) and (2).

*PURPOSE:* This proposed amendment is being updated to correspond with the current “Milk for Manufacturing Purposes and Its Production and Processing,” United States Department of Agriculture, Agriculture Marketing Service, Dairy Programs, Effective July 21, 2011.

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

(1) The Missouri State Milk Board adopts by reference [Subparts B–F of] the United States Department of Agriculture, [Consumer and] Agriculture Marketing Service, Dairy Program’s recommended requirements entitled “Milk for Manufacturing Purposes and Its Production and Processing” [as published in the 37 FR 68 (1972), Part II except Subpart B—Definitions (a), (c), (e), (h)–(m), (r), and (t) not adopted by substituting wording or violative limits, or both, in sections B2 (L), (1), (2) and (3); C2, C3, C4, (a), (1–6), (d), (e); D1 (b), and (c) which redefines the term milk and lowers violation limits of milk tests conducted on manufacturing grade milk. Also adopted by reference are wording and violative limits published in the 58 FR 29911–13 for sections B2 (1), (J), (P) and C1, C5, C7, C8, except addendum wording for (b)(1) and (2), C9, C10, C11, C12, C13, C14, C15 and D5]. “Milk for Manufacturing Purposes and Its Production and Processing” recommended requirements published by the United States Department of Agriculture establishes minimum standards which must be complied with for satisfactorily producing and processing manufacturing grade milk and manufacturing grade milk products. [Also adopted by reference are new wording and violative limits published in the 61 FR No. 178, 48123–48124 for sections B2, (n), (o), C4 (a) (b 1–8), (c 1–2) (d), C7 (a), (b), (c), (d), C8 (a)(1)(i–iv), (b)(1)(i–iv), (b)(3)(i–v), C8 (1)(i–iv), (b) (1) (i–iv), (2), (3) (i–v), C10, C11 (a), (b) (1–2) (c) (1–4) (d) (e) (1–2), (f), E1.8 (a) (b)].

(2) This is Missouri’s addendum to the adopted United States Department of Agriculture, [consumer and] Agriculture [m/Marketing /s/Service, Dairy Program’s recommended requirements entitled “Milk for Manufacturing Purposes and Its Production and Processing,” [April 7, 1972, (Volume 37—Number 65, Part II, Page 7049, Sections C8(b)(1) and (2)].] July 21, 2011, hereby incorporated by reference as published by the United States Department of Agriculture, Agriculture Marketing Service, Dairy Program, 1400 Independence Ave. SW, Washington, DC 20250-0225. This rule does not incorporate any subsequent amendments or additions to the “Milk for Manufacturing Purposes and Its Production and Processing.”

**TRANSFER PRODUCERS**—To be eligible to transfer from one (1) buyer to another, a producer cannot be under a stop sale order or under an animal health quarantine. When a producer discontinues milk delivery at one (1) plant and begins delivery to a different plant for any reason, the new buyer shall not accept the first delivery until s/he has requested from the previous buyer and received a copy of the record of the producer’s milk quality covering the preceding ninety (90) days and a statement of the farm certification status and date of certification if any. The previous buyer shall forward information to the new buyer and the State Milk Board within twenty-four- (24-)/- working hours after receipt of a written request unless the records have been destroyed by means over which s/he has no control. Provided that the new buyer may accept a producer’s milk after making the request for the record by telephone and obtaining assurance from the previous buyer that the producer’s milk may be accepted; the new buyer then shall make a written request to the old buyer for the producer’s record. If the new buyer requests and fails to receive the quality record from the previous buyer within the allotted time, s/he shall report that fact to



the State Milk Board office for appropriate action.

*AUTHORITY: section 196.540, RSMo [Supp. 1996] 2000. This rule previously filed as 2 CSR 30-21.011. Original rule filed Dec. 10, 1981, effective April 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 6—Requirements for the Missouri Dairy Law**

**PROPOSED AMENDMENT**

**2 CSR 80-6.021 Protection and Transportation of Raw Milk and Cream.** The board is amending sections (2), (3), and (5).

*PURPOSE: This proposed amendment is updating wording in this rule which complies with section 196.540, RSMo, and other applicable parts of sections 196.520–196.610, RSMo, and establishes provisions for the protection and transportation of raw milk and cream.*

(2) Operators of vehicles used to transport bulk milk or cream from farm to plant, **receiving station, or transfer station** shall be licensed by the State Milk Board. A temporary bulk milk hauler's license shall be granted when the applicant has made application, paid the fee and satisfactorily passed a written examination. A permanent license renewable each year is acquired only after the bulk milk hauler attends an approved training course. The license is subject to suspension or revocation whenever any of the laws or rules are violated.

(3) Procedures for bulk milk haulers of manufacturing milk shall be identical to those found in 2 CSR 80-2.070(6), except that a Grade "A" permit from the regulatory authority that administers provisions of the Pasteurized Milk Ordinance (2 CSR 80-2.070(6)) will not be required to haul milk for manufacturing purposes.

(5) Cooling. Milk in cans shall be delivered to a receiving station within two (2) hours of milking. In the instance when stations are designed with collective nonindividual cooling tanks, the milk may be kept at the farm and cooled in cans of stainless steel construction to be delivered the following morning. The milk in cans must be cooled by the use of ice or refrigerant in an acceptable clean cooler located in the farm milkhouse, installed and designed to—1) adequately protect the milk from contamination and 2) allow adequate space for all other milk handling activities normally accomplished in the milkhouse. The milk shall be cooled immediately and the cooling method must be capable of cooling the milk to fifty degrees Fahrenheit (50 °F) within two (2) hours of milking and must maintain the milk at a temperature of fifty degrees Fahrenheit (50 °F) or below as indicated upon delivery to the receiving station. All new can milk receiving facilities shall be designed using individual

receiving, cooling tanks for each producer delivering to the station except as approved by the State Milk Board.

*AUTHORITY: section 196.540, RSMo [1986] 2000. This rule previously filed as 2 CSR 30-21.021. Original rule filed Dec. 10, 1981, effective April 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 6—Requirements for the Missouri Dairy Law**

**PROPOSED AMENDMENT**

**2 CSR 80-6.041 Dairy Manufacturing Plant, Dairy Manufacturing Farm and Personnel Licensure.** The board is amending the purpose, section (1), paragraph (1)(A)6., and subsections (1)(D) and (E), deleting subsection (1)(G), and relettering as necessary.

*PURPOSE: This proposed amendment updates needed licensure procedure for dairy plants, receiving stations, buyers of milk or cream, nonresident brokers, fieldsmen, graders, or bulk milk truck operators as required by law.*

*PURPOSE: This rule prescribes needed licensure procedure for dairy plants, receiving stations, [market testing laboratories,] buyers of milk or cream, nonresident brokers, fieldsmen, graders, or bulk milk truck operators as required by law.*

(1) It is unlawful for any person to operate a dairy manufacturing plant, receiving station, [market testing laboratory,] to buy milk or cream from Missouri producers, or to perform the duties of fieldman, grader, or bulk milk truck operator without a license.

(A) A dairy manufacturing plant shall be issued a license upon satisfactory application and payment of the annual license fee to the State Milk Board. The license fee shall be based on annual butterfat or milk purchased from producers, or in the event milk or butterfat purchases cannot serve as a basis, the amount of milk, figured at the approximate average butterfat test of all milk marketed, that is required to produce the total pound volume of production during the past twelve (12) months ending June 30 as follows:

1. For any dairy manufacturing plant purchasing milk or milk products from Missouri, one hundred dollars (\$100); and for each 1,400,000 pounds of milk purchased, five dollars (\$5);

2. For any dairy manufacturing plant or buyer whose license is based on total pound volume of production of one hundred thousand (100,000) pounds or less, in this rule considered the equivalent of one (1) million pounds of milk, one hundred dollars (\$100); for each additional 1,400,000 pounds of milk, five dollars (\$5). The total volume is not construed to mean or include volume of products processed for the Commodity Credit Corporation by contract or volume of prepackaged cheese where basic form has not been changed;

3. For new dairy manufacturing plants where volume of the twelve (12) months previous to June 30 has not been established, the fee shall be five hundred dollars (\$500) and include site inspection, construction plan and label approval, inspections, and license to operate. License shall expire June 30;

4. The State Milk Board, or its agent, shall have the authority to examine the buying and production records of any dairy products manufacturing plant for verification of the butterfat tonnage purchased at the plant, or verification of total pound volume of production manufactured or processed at the plant, at any reasonable time that the State Milk Board shall elect to make the examination. Butterfat or milk volume should be reported so as not to include any butterfat or milk volume the second time due to transfer or sale from one (1) plant to another;

5. A dairy products manufacturing plant license shall not be transferable and shall not be movable from one (1) city or town to another city or town, but with the consent of the State Milk Board may be moved from one (1) location to another location in the same city or town; and

6. When a dairy products manufacturing plant licensed as described in this rule ceases to receive milk, process milk, or both, for thirty (30) consecutive days or longer, its dairy manufacturing plant license shall be automatically terminated with no refund of licensing fee. Prior to resumption of operations, reapplication shall be made for licensing and a sanitation inspection of plant facilities showing satisfactory compliance shall be conducted by a representative of the State Milk Board prior to authorizing a new license. New licenses issued as described shall require a license fee of *[ten]* **one hundred** dollars *[[ \$ 10 ]]* **(\$100)** and shall expire June 30, if the plant has continuous operation.

(D) No bulk milk pick-up tanker truck shall be operated without proof of annual inspection. Annual inspections shall be performed by the State Milk Board or its authorized regulatory agent with payment of a twenty-five dollar- *(\$25-)]*- inspection fee.

(E) A fieldman, prior to performing his/her duties in the state for a dairy manufacturing plant located either within or outside of Missouri processing either Grade "A" or manufacturing milk, must obtain a fieldman's license from the State Milk Board. This license, which also grants the authority to sample, test, or grade milk or cream, and to operate a bulk milk truck to pick up milk from farm producers, can be issued only to an individual free from communicable disease, who has passed a written examination grading seventy (70) or above, and has paid the annual fee of twenty-five dollars (\$25); the license may be renewed upon payment of the annual fee, unless previously revoked for cause. The license is not transferable.

*[(G) No person shall operate a market testing laboratory without a license to operate a market testing laboratory. An annual fee of three dollars (\$3) shall be required for the license. A market testing laboratory is any laboratory which performs milk fat testing for pay purposes or other quality testing as required by 2 CSR 80-6.011.]*

*[(H)](G)* No person shall operate a receiving station without a license to operate a receiving station. An annual fee of twenty-five dollars (\$25) shall be required for the license.

*[(I)](H)* A Certificate of Free Sale and Sanitary Origin is required by many foreign governments to allow entry of milk and dairy products into their country. For each Certificate of Free Sale issued the fee shall be one hundred dollars (\$100).

*[(J)](I)* All fees for license renewal and applications for licenses are to be considered nonrefundable at the time of receipt by the State Milk Board or its authorized representative.

*AUTHORITY: section 196.540, RSMo 2000. This rule previously filed as 2 CSR 30-21.041. Original rule filed Dec. 10, 1981, effective April 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed July 24, 2012.*

*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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2010—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2010-2.061 Requirements for an Initial License to Practice.** The board is proposing to amend section (1) and add subsections (1)(A)–(B).

*PURPOSE: This amendment will allow the board to set licensure requirements for an applicant, who allows more than five (5) years to pass since completing his/her certified public accountant (CPA) exam, to have continuing professional education (CPE) that is similar to the requirements for reinstatement of a license.*

(1) Applicants for initial licensure shall meet the education requirements outlined in 20 CSR 2010-2.041 and successfully complete the examination requirements as outlined in 20 CSR 2010-2.150. **Commencing on January 1, 2012, if the time elapsed since the applicant has successfully completed the examination requirement exceeds five (5) years, the applicant must complete forty (40) hours of continuing professional education (CPE), including two (2) hours in the area of ethics and—**

**(A) That person submits evidence to the board that he or she has completed forty (40) hours of CPE during the twelve (12) months prior to making application for licensure; or**

**(B) That person agrees to obtain the required forty (40) hours of CPE within sixty (60) days of applying for licensure.**

*AUTHORITY: sections 326.262 and 326.280, RSMo Supp. [2009] 2011. This rule originally filed as 4 CSR 10-2.061. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed July 26, 2012.*

*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 has an estimated annual cost of compliance for the life of the rule that totals five hundred dollars (\$500) to twelve thousand dollars (\$12,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Pamela Hill, Executive*

*Director, PO Box 613, Jefferson City, MO 65102-0613 or at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## PRIVATE FISCAL NOTE

**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2010 - Missouri Board of Accountancy****Chapter 2 - General Rules****Proposed Rule - 20 CSR 2010-2.061 Requirements for an Initial License to Practice**

Prepared July 26, 2012 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
5 - 10	Applicants for Licensure Who Took Exam More than 5 Years Prior to Applying  (Continuing Professional Education Class Fees @ \$100 - \$1,200)	\$500 - \$12,000
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$500 - \$12,000</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board estimates that approximately five to ten certified public accountant (CPA) applicants will need to obtain the additional forty continuing professional education (CPE) credits annually.
2. The board estimates that the costs will vary depending on the applicant's choice of CPE, but could range anywhere from \$100 to \$1,200.
3. It is not possible to estimate all costs (i.e., mileage, meals, and lodging) that a licensee could incur in obtaining the required continuing education.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2010—Missouri State Board of Accountancy  
Chapter 4—Continuing Education Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2010-4.010 Effective Dates and Basic Requirements.** The board is proposing to amend subsection (1)(A).

*PURPOSE: This amendment simplifies continuing professional education requirements, in the area of ethics, for licensed CPAs.*

(1) The following requirements of continuing professional education apply to the renewal of licenses pursuant to section 326.286, RSMo:

(A) An applicant seeking renewal of a license shall have completed no less than one hundred twenty (120) hours of continuing professional education, complying with these rules during the three- (3-)/-/ year period preceding renewal. Commencing on January 1, 2004, a minimum of twenty (20) hours of continuing professional education (CPE) is required in each calendar year. *[Also commencing on January 1, 2004, a minimum of two (2) hours of the required twenty (20) hours per calendar year of CPE shall be in the area of ethics.]* Commencing on January 1, 2012, a minimum of six (6) hours of the required one hundred twenty (120) hours of CPE in a three- (3-) year period preceding renewal shall be in the area of ethics. An applicant seeking renewal of a license shall demonstrate participation in a program of learning meeting the standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by National Association of State Boards of Accountancy (NASBA) and American Institute of Certified Public Accountants (AICPA) as provided in 20 CSR 2010-4.020, or such other standards acceptable to the board;

*AUTHORITY: section 326.271, RSMo Supp. [2009] 2011. This rule originally filed as 4 CSR 10-4.010. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. For intervening history, please consult the Code of State Regulations. Amended: Filed July 26, 2012.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Pamela Hill, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Landscape Architects  
Chapter 4—Applications**

**PROPOSED RULE**

**20 CSR 2030-4.055 Criteria to File Application under section 324.008.1., RSMo, for a Temporary Courtesy License**

*PURPOSE: This rule states the requirements and procedures for a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member's military duty*

*to obtain a temporary courtesy license to practice architecture, engineering, land surveying, or landscape architecture for one hundred eighty (180) days which may be extended, at the discretion of the board and upon receipt of an additional fee, for another one hundred eighty (180) days.*

(1) The board shall grant a temporary courtesy license to practice architecture, engineering, land surveying, and/or landscape architecture without examination to a "nonresident military spouse" as defined in section 324.008.1., RSMo, who provides proof that such applicant's qualifications meet or are at least equivalent to the requirements for initial licensure in this state and who provides the board the following:

- (A) A completed application form;
- (B) A non-refundable application fee, as established by the board pursuant to rule, made payable to the board;
- (C) Verification sent directly to the board from the state, district, or territory from where the applicant holds a current and active license verifying that the applicant holds a current and active license;
- (D) Proof that the applicant has been engaged in active practice in the state, district, or territory of the United States in which the applicant is currently licensed for at least two (2) years in the five (5) years immediately preceding this application;
- (E) Verification sent directly to the board from the state, district, or territory of the United States in which the applicant was initially licensed verifying that—

1. The applicant is, or was at the time of licensure, in good standing;

2. The applicant has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice at the time the act was committed; and

3. The applicant has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding by a licensing or credentialing entity in another jurisdiction;

(F) If the board is unable to determine if the licensing requirements of the state, district, or territory in which the applicant was initially licensed are equivalent to Missouri's licensing requirements, the applicant shall submit documentation regarding the licensing requirements equivalency;

(G) Any person applying for temporary licensure as a professional land surveyor shall be required to take and pass the written Land Surveyor Missouri Specific Examination covering Missouri surveying practice and Missouri statutes and rules relating to the practice of land surveying; and

(H) Such additional information as the board may request to determine eligibility for a temporary courtesy license.

*AUTHORITY: section 324.008.1., RSMo Supp. 2011. Original rule filed July 26, 2012.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately three dollars (\$3) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately one hundred eighty-five dollars (\$185) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

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

Division 2030 - Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects

Chapter 4 - Applications

Proposed Amendment to 20 CSR 2030-4.055 Criteria to File Application Under Section 324.008.1, RSMo for a Temporary Courtesy License

Prepared July 10, 2012 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	\$2.85 to \$2.98
	Total Annual Cost of Compliance for the Life of the Rule \$3.00

## III. WORKSHEET

The Processing Technician II provides technical support, processes applications for licensure, and responds to inquiries related to the licensure law and/or rules and regulations.

## Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Processing Technician II	\$24,579 to \$26,640	\$37,041 to \$40,146	\$17.81 to \$19.30	\$0.30 to \$0.32	5 minutes	\$1.48 to \$1.61	1	\$1.48 to \$1.61
<b>Total Personal Service Costs During the First Year of Implementation</b>								\$1.48 to \$1.61

## Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	1	\$0.65
Permit Printing and Postage	\$0.72	1	\$0.72
<b>Total Expense and Equipment Costs</b>			<b>\$1.37</b>

**IV. ASSUMPTIONS**

1. **Employees' salaries were calculated using the annual salary multiplied by 50.70% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.**

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

## PRIVATE FISCAL NOTE

**I. RULE NUMBER****Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2030 - Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects****Chapter 4 - Applications****Proposed Amendment to 20 CSR 2030-4.055 Criteria to File Application Under Section 324.008.1, RSMo for a Temporary Courtesy License**

Prepared July 10, 2012 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the amendment by affected entities:</b>
1	Missouri Specific Land Surveyor Examination (Examination Fee @ \$100)	\$100
1	Missouri Specific Land Surveyor Re-examination (Re-examination Fee @ \$75)	\$75
1	Verification Fee (Verification Fee @ \$10)	\$10
1	Verification Postage (Postage @ \$0.45)	\$0.45
<b>Estimated Annual Cost of the Amendment for the Life of the Rule</b>		<b>\$185</b>

**III. WORKSHEET**

See Table Above

**IV. ASSUMPTIONS**

1. The board anticipates that there will be very few nonresident military spouse temporary courtesy license applicants. The board believes that most applicants will opt to file an application and pay the comity fee as it is good for two years and can be obtained by submitting the same requirements.
- 2 Applicants may incur minimal travel expenses to take the Missouri Specific Land Surveyor Examination. However, travel expenses are not being calculated in this fiscal note due to the various geographic locations and potential travel distances of the applicants.
3. The Missouri Specific Land Surveyor Examination fee of \$100 and the \$75 fee each time thereafter is paid directly to the National Council of Examiners for Engineering and Surveying (NCEES) and not to the board.



4. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states.
5. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of Chapter 327, RSMo. Pursuant to section 327.431, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 327, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 327, RSMo.

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

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

**PROPOSED AMENDMENT**

**20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees.** The board is amending subsection (1)(X), adding new subsection (1)(Y), and renumbering a subsequent subsection.

*PURPOSE: This rule is being amended to include a fee for a temporary courtesy license for nonresident spouses of active duty members of the military who are transferred to this state in the course of the members' military duty and to eliminate the verification fee.*

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

<del>[(X)]</del> Verification Fee	\$ 10
<b>(X) Temporary Courtesy License Application Filing Fee for nonresident military spouse</b>	<b>\$ 50</b>
<b>(Y) Temporary Courtesy License Extension Fee for nonresident military spouse</b>	<b>\$ 50</b>
<del>[(Y)]</del> <del>[(Z)]</del> Evaluation of Non-Accredited Engineering Degrees	\$300

*AUTHORITY: sections 324.008 and 327.041, RSMo Supp. [2010] 2011. This rule originally filed as 4 CSR 30-6.015. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed July 26, 2012.*

*PUBLIC COST: This proposed amendment will cost state agencies approximately forty-seven thousand nine hundred dollars (\$47,900) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will save private entities approximately forty-eight thousand three hundred thirty-one dollars (\$48,331) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**PUBLIC FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2030 - Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects**  
**Chapter 4 - Applications**  
**Proposed Amendment to 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees**  
Prepared July 10, 2012 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		\$47,900
	Estimated Annual Loss of Revenue for the Life of the Rule	\$47,900

**III. WORKSHEET**

See Private Fiscal Note

**IV. ASSUMPTIONS**

1. The required collection of the verification fee is currently a barrier to the board's ability to provide electronic verifications to other states. The elimination of this fee will increase efficiencies of the board. Therefore, some of the loss of revenue will be offset by the savings related to the printing and mailing of these verifications.

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

## PRIVATE FISCAL NOTE

## I. RULE NUMBER

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

Division 2030 - Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects

Chapter 6 - Fees

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

Prepared July 10, 2012 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Estimate Annual Cost Savings to Licensees		\$48,432
Estimated Annual Costs to Licensees		\$101
Estimated Annual Net Effect to Licensees	Cost Savings of	\$48,331

## III. WORKSHEET

## Savings

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
960	Verification Fee (Fee @ \$50)	\$48,000
960	Postage (Postage @ \$0.45)	\$432.00
	<b>Estimated Annual Cost Savings for the Life of the Rule</b>	<b>\$48,432</b>

## Costs

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
1	Temporary Courtesy License Application Fee (Application Fee @ \$50)	\$50
1	Temporary Courtesy License Extension Fee (Extension Fee @ \$50)	\$50
2	Postage (Postage @ \$0.45)	\$0.90
	<b>Estimated Annual Costs for the Life of the Rule</b>	<b>\$101</b>

**IV. ASSUMPTIONS**

1. The numbers reported above are based on FY2011 actuals.
2. The required collection of this fee is currently a barrier to the board's ability to provide electronic verifications to other states. The elimination of this fee will increase efficiencies of the board.
3. The board anticipates that there will be very few nonresident military spouse temporary courtesy license applicants. The board believes that most applicants will opt to file an application and pay the comity fee as it is good for two years and can be obtained by submitting the same requirements.

**Note:** The board is statutorily obligated to enforce and administer the provisions of Chapter 327, RSMo. Pursuant to section 327.431, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 327, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 327, RSMo. Therefore, the elimination of this fee will be compensated for by other fees charged by the board.

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

**Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Landscape Architects  
Chapter 11—Renewals**

**PROPOSED AMENDMENT**

**20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers.** The board is amending subsection (2)(D).

*PURPOSE:* Section 327.031, RSMo, was revised to increase the number of members comprising the Professional Engineering Division of the board from three (3) members to four (4). This change took effect on August 28, 2010. Therefore, subsection (2)(D) of this rule is being amended to reflect that change.

(2) Definitions.

(D) Professional engineering division. The [~~three- (3-)] **four- (4-)** member division of the board that concerns itself with the profession of engineering.~~

*AUTHORITY:* sections 327.031 and 327.041, RSMo Supp. 2011, and section 327.261, RSMo 2000. This rule originally filed as 4 CSR 30-II.015. Original rule filed Nov. 1, 2001, effective June 30, 2002. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 26, 2012.

*PUBLIC COST:* This proposed amendment will cost state agencies approximately two thousand three hundred thirty-two dollars (\$2,332) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**PUBLIC FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2030 - Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects**  
**Chapter 11 - Renewals**  
**Proposed Rule - 20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers**  
 Prepared July 10, 2012 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities during the first year of implementation:
1	Board Member Compensation (Compensation for Board Meetings @ 4 meetings per yr @ 2 days @ \$50 per day)	\$400
1	Board Member Compensation (Compensation for Weekly Review @ 7 days @ \$50 per day)	\$350
1	Board Member Compensation (Compensation for 10 Conference Calls @ \$6.25 per call)	\$63
1	Mileage - Board Member Travel to Meetings (Four Meetings @ \$.37 for 240 miles)	\$355
1	Meals (Meals Reimbursement @ 4 meetings @ 2 days/meeting @ \$30)	\$240
1	Lodging for Board Meetings (Lodging @ \$77 a night)	\$924
<b>Estimated Cost of Compliance During the First Year of Implementation</b>		<b>\$2,332</b>

**III. WORKSHEET**

See above.

**IV. ASSUMPTION**

1. The figures reported above are based on FY11 actuals.
2. Board members meet face-to-face, at a minimum, four times per year. These meetings are two (2) full days usually requiring three nights lodging due to early start times and late finishing times.
3. The board averages approximately ten (10) conference calls per year, each lasting one hour in duration.
4. Board members receive a weekly packet of board materials (consisting of 130 pages on average) every Friday for their review.
5. The meal costs are based on Missouri's meal per diem rates. There would be three full days of meals for each board meeting.
6. The lodging costs are based on the U.S. General Services Administration's Continental United States (CONUS) annual rates.
7. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.