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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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SECRETARY OF STATE

ROBIN CARNAHAN

Administrative Rules Division

James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

EDITORS

CURTIS W. TREAT

SALLY L. REID

ASSOCIATE EDITOR

DELANE JACQUIN

•

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

•

SPECIALIST

MICHAEL C. RISBERG

•

ADMINISTRATIVE ASSISTANT

ALISHA DUDENHOEFFER

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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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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.

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission

Chapter 8—Wildlife Code: Trapping: Seasons, Methods

PROPOSED AMENDMENT

3 CSR 10-8.510 Use of Traps. The commission proposes to amend sections (1), (2), and (3) of this rule.

PURPOSE: This amendment acknowledges and clarifies that Conibear® is a registered trademark.

(1) Traps shall have smooth or rubber jaws only, and may include foot-hold traps, Conibear® or other killing-type traps, foot-enclosing-type traps, cage-type traps, colony traps with openings no greater than six inches (6") in height and six inches (6") wide, or snares (as defined in 3 CSR 10-20.805) set under water only, and cable restraint devices (as defined in 3 CSR 10-20.805). Use of pitfalls, deadfalls,

snares set in a dry land set, and nets are prohibited.

(2) Traps, snares, and cable restraint devices shall be plainly labeled, on durable material, with the user's full name and address or Conservation Number. Wildlife held in traps, snares, or cable restraint devices may be killed or removed only by the user. Conibear® or other killing-type traps set under water and colony traps set under water shall be attended and wildlife removed at least once every forty-eight (48) hours. All other traps, snares, and cable restraint devices must be attended daily and wildlife removed or released. Traps may not be set in paths made or used by persons or domestic animals, and Conibear® or other killing-type traps may not be set along public roadways, except under water in permanent waters. Except as provided in 3 CSR 10-4.130, only cage-type traps or foot-enclosing-type traps may be set within one hundred fifty feet (150') of any residence or occupied building located within the established boundaries of cities or towns containing ten thousand (10,000) or more inhabitants. Homes, dens, or nests of furbearers shall not be molested or destroyed. Traps may be used in conjunction with electronic calls.

(3) Use of Conibear® or Other Killing-Type Traps.

(A) No Conibear® or other killing-type traps with a jaw spread greater than five inches (5") shall be used in any dry land set.

(B) Conibear® or other killing-type traps with a jaw spread not greater than eight inches (8") may be set six feet (6') or more above ground level in buildings.

(C) Conibear® or other killing-type traps of any size may be set under water.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Sept. 20, 1957, effective Dec. 31, 1957. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 2, 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 Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Division 30—Division of Labor Standards Chapter 3—Prevailing Wage Law Rules

PROPOSED AMENDMENT

8 CSR 30-3.060 Occupational Titles of Work Descriptions. The division is amending subsection (8)(G).

PURPOSE: This amendment adds the work description language of the "lineman tree trimmer" and the "groundman tree trimmer" so that it is the same as that adopted by order of the Labor and Industrial Relations Commission. This amendment also adds punctuation, deletes and adds the word "and" where appropriate, and deletes "groundman powder man," an undefined and unused occupational title.

(8) The occupational titles of work descriptions set forth here are as follows:

(G) Electrician—Encompasses two (2) subclassifications as follows, Inside Wireman and Outside-Line Construction/Lineman:

1. Inside wireman—Applies to workers who are responsible for installation, assembly, construction, inspection, operation, and repair of all electrical work within the property lines of any given property (manufacturing plants, commercial buildings, schools, hospitals, power plants, parking lots). This scope of work shall begin at the secondary site of the transformer when the transformer is furnished by the local utility and the service conductors are installed underground. When service conductors are installed overhead in open air from wooden poles, this scope of work shall start immediately after the first point of attachment to the buildings or structures. The work falling within this occupational title of work description includes:

A. Planning and layout of electrical systems that provide power and lighting in all structures. This includes cathodic protection systems utilized to protect structural steel in buildings and parking structures;

B. All handling, moving, loading, and unloading of any electrical materials, materials used in association with an electrical system, electrical equipment, and electrical apparatus on the job site, whether by hand or where power equipment and rigging are required;

C. Welding, burning, brazing, bending, drilling, and shaping of all copper, silver, aluminum, angle iron, and brackets to be used in connection with the installation and erection of electrical wiring and equipment;

D. Measuring, cutting, bending, threading, forming, assembling, and installing of all electrical raceways (conduit, wireways, cable trays), using tools, such as hacksaw, pipe threader, power saw, and conduit bender;

E. Installing wire in raceways (conduit, wireways, troughs, cable trays). This wire may be service conductors, feeder wiring, subfeeder wiring, branch circuit wiring;

F. Chasing and channeling necessary to complete any electrical work, including the fabrication and installation of duct banks and manholes incidental to electrical, electronic, data, fiber optic, and telecommunication installation;

G. Splicing wires by stripping insulation from terminal leads with knife or pliers, twisting or soldering wires together, and applying tape or terminal caps;

H. Installing and modifying of lighting fixtures. This includes athletic field lighting when installed on stadium structures or supports other than wooden poles, or both;

I. Installing and modifying of all electrical/fiber optic equipment (AC-DC motors, variable frequency drives, transformers, reactors, capacitors, motor generators, emergency generators, UPS equipment, data processing systems, and annunciator systems where sound is not a part thereof);

J. Installing of raceway systems utilizing conduit, conduit bodies, junction boxes, and device boxes for switches and receptacles. This also may include wiring systems utilizing other methods and materials approved by the *National Electrical Code* (MC cable, AC cable, BX, or flexible metal tubing or electrical nonmetallic tubing);

K. Installing of main service equipment, distribution panels, subpanels, branch circuit panels, motor starters, disconnect switches, and all other related items;

L. Installing and wiring of instrumentation and control devices as they pertain to heating, ventilating, air conditioning (HVAC) temperature control and energy management systems, building automation systems, and electrically or fiber optic operated fire/smoke detection systems where other building functions or systems are controlled;

M. Installing conduit or other raceway greater than ten feet (10') when used for the following: fire alarm systems, security sys-

tems, sound systems, closed circuit television systems or cable television systems, or any system requiring mechanical protection or metallic shielding (telephone systems);

N. Testing continuity of circuit to insure electrical compatibility and safety of components. This includes installation, inspecting, and testing of all grounding systems including those systems designed for lighting protection; and

O. Removing electrical systems, fixtures, conduit, wiring, equipment, equipment supports, or materials involved in the transmission and distribution of electricity within the parameters of the building property line if reuse of any of the existing electrical system is required. This may include the demolition and removal and disposal of the electrical system;

2. Outside-line construction/lineman—Applies to workers who erect and repair transmission poles (whether built of wood, metal, or other material), fabricated metal transmission towers, outdoor substations, switch racks, or similar electrical structures, electric cables, and related auxiliary equipment for high-voltage transmission and distribution powerlines used to conduct energy between generating stations, substations, and consumers. The work (overhead and underground) falling within this occupational title of work description includes:

A. Construction, repair, or dismantling of all overhead and underground electrical installations. The handling and operation of all equipment used to transport men, tools, and materials to and from the job site. The framing, trenching, digging, and backfilling of vaults, holes and poles and anchors (by hand or mechanical equipment), guying, fastening to the stub-in on concrete footings or pads, assembling of the grillage, grounding of all structures, stringing overhead wire, installing underground wire, splicing, and installation of transformers;

B. Construction and repair of highway and street lighting and traffic signal systems, cathodic protection systems, and ball field lighting systems;

C. Lineman operator—Operates equipment used on the outside line portion of a project. The lineman operator assists linemen in the performance of their work but does not climb or work out of any type of aerial lift equipment. The lineman operator does not perform any work that requires the use of hand tools; *and*

D. Groundman—Work performed on the ground to assist the journeymen outside-line construction/lineman on work not energized. Groundmen use jack hammers, air drills, shovels, picks, tamps, trenching equipment, and other such tools for excavating and/or compacting dirt or rock on the outside line portion of a project but do not use hand tools; *and*

E. Lineman tree trimmer—Trimming and removal of trees, stumps, limbs, brush, and other related tasks in and around electrical systems by use of chain saws, pruners, pole saws, and hand saws only when specifically required to provide clearance and right-of-way preparation for installation of overhead or underground high-voltage electric utility lines, and excluding the clearance of right-of-ways related to heavy-highway construction or other public projects not directly related to the installation of electrical utility lines. Lineman tree trimmer work may be performed on the ground and in the air; and

F. Groundman tree trimmer—Assists the lineman tree trimmer in the performance of their work using rakes, chain saws, chippers, and industrial mowers in and around electrical systems only when specifically required to provide clearance and right-of-way preparation for installation of overhead or underground high-voltage electric utility lines, and excluding the clearance of right-of-ways related to heavy-highway construction or other public projects not directly related to the installation of electrical utility lines. Groundman tree trimmer work is only performed on the ground; and

3. The occupational title of electrician may include in a particular wage determination the subclassifications of lineman operator, *[groundman powder man,]* groundman, **lineman tree trimmer,**

groundman tree trimmer, or any combination of these, pursuant to section (6). The description of work and corresponding wage rates shall be established pursuant to the proceedings set forth in section (6);

AUTHORITY: section 290.240.2, RSMo 2000. Original rule filed Sept. 15, 1992, effective May 6, 1993. Emergency amendment filed April 30, 1993, effective May 10, 1993, expired Aug. 28, 1993. Amended: Filed Aug. 13, 1996, effective Feb. 28, 1997. Amended: Filed Jan. 22, 1997, effective Sept. 30, 1997. Amended: Filed June 17, 2004, effective Dec. 30, 2004. Amended: Filed Aug. 19, 2010, effective Feb. 28, 2011. Amended: Filed Aug. 9, 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 Division of Labor Standards; Attn: Carla Buschjost, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 2—Definitions**

PROPOSED AMENDMENT

10 CSR 100-2.010 Definitions. The board is changing one (1) citation which is no longer correct since the Department of Natural Resources' Hazardous Waste Management Commission amended its rules.

PURPOSE: This amendment is necessary because the referenced rule has been moved to a different place in the Code of State Regulations.

(1) Unless defined otherwise, the definitions provided in [10 CSR 20-10.012] **10 CSR 26-2.012** shall apply.

AUTHORITY: section 319.129, RSMo Supp. [2006] 2011. Original rule filed April 1, 1999, effective Nov. 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 13, 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 PSTIF, PO Box 836, Jefferson City, MO 65102, or via email to pstif@sprintmail.com. To be considered, comments must be received by October 17, 2012. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 4—Participation Requirements**

PROPOSED AMENDMENT

10 CSR 100-4.010 Participation Requirements for Underground Storage Tanks. The board is simplifying some of the rule's existing language, correcting regulatory citations, adding language that relaxes its requirements in certain situations, deleting an obsolete provision, and changing the timing by which it sends renewal notices to better reflect current practices.

PURPOSE: This amendment is being proposed to make it easier for owners/operators of underground tanks to get insured and to make the rule more accurate.

(1) Any owner or operator of an underground storage tank (UST) **which is in use and** is used to store petroleum may apply to participate in the fund, except that—

(C) Owners and operators of hazardous substance UST systems, as defined in [10 CSR 20-10.012] **section 319.100, RSMo**, may not obtain coverage for their hazardous substance UST systems.

(2) [The following procedures shall be utilized to apply for insurance coverage for underground storage tanks that are in use:

(A)] Any owner or operator who wishes to participate in the fund shall so indicate by applying for coverage on a form specified by the board[;]. **An application shall—**

[(B) Applications shall include] (A) **Include** a certification that the petroleum tanks meet or exceed and are in compliance with all technical standards established by the U.S. Environmental Protection Agency[,] and rules established by the Missouri Department of Natural Resources and the Missouri Department of Agriculture;

[(C) An application form shall be] (B) **Be** submitted for each site for which [an owner] **the applicant** desires coverage;

[(D) Applications shall include] (C) **Include** information on all tanks known to exist at the site, including aboveground storage tanks and underground storage tanks which contain a hazardous substance, or which are [temporarily closed,] out of use[, or permanently closed in place;

[(E) Applications shall include] (D) **Include** documentation as required by the board to demonstrate that the applicant has a reasonable assurance of the integrity of all USTs on the site which are in use. This documentation shall include:

1. [A minimum of two (2)] **Six (6)** months' leak detection records, **except in the following cases:[:]**

A. For new UST systems, or for USTs or compartments being put into use for the first time, one (1) current month's leak detection record from an automatic tank gauge, interstitial monitoring, statistical inventory reconciliation, or daily inventory reconciliation shall be provided; or current tank and line tightness tests shall be provided.

B. For UST systems being put back into use after being out of use, current tank and line tightness tests shall be provided.

C. For operating UST systems being purchased by a new owner, current tank and line tightness tests shall be provided if six (6) months' leak detection records are not available from the prior owner.

2. Evidence that pressurized lines are equipped with line leak detectors which are in working order, unless the entire UST system is a double-wall system[, and monitoring devices are adequate to detect a leak;

3. Evidence that the cathodic protection system, if any, is functioning properly;

4. Evidence that the tank lining, if any, has been properly installed and inspected according to accepted industry practices;

5. Evidence that the UST is equipped with corrosion protection and spill/overflow prevention devices, as required in *[10 CSR 20-10] 10 CSR 26-2*;

6. Line and/or tank tightness tests, as required in *[10 CSR 20-10] 10 CSR 26-2*; and

7. Any other documentation as may reasonably be required by the board; **and**

[(F) Applications shall also] (E) [i] Include documentation as required by the board [in order to demonstrate] demonstrating that the applicant has the ability to pay the first ten thousand dollars (\$10,000) in the event he or she makes a claim for benefits from the fund.

1. For non-public entities, such documentation shall include:

A. A letter of credit for this amount from a federally-insured financial institution in the favor of the Petroleum Storage Tank Insurance Fund;

B. One (1) or more certificates of deposit which total this amount. The applicant shall submit documentation from the custodian of such certificates that assures the *[fund] board* of their existence and preservation for the purposes described herein;

C. Financial statements indicating that the net worth of the applicant is at least one hundred thousand dollars (\$100,000), or that the applicant has at least fifty thousand dollars (\$50,000) working capital;

D. A written guarantee from another person or entity demonstrating the ability to pay this amount in a manner outlined in this rule. The provider of the guarantee shall disclose the relationship between that person or entity and the applicant;

E. A letter signed by an officer of a federally-insured financial institution attesting to the ability of the applicant to pay this amount; or

F. Any other method determined by the board to be reasonable and sufficient.

2. For public entities, documentation requirements are as follows:

A. Cities with a population greater than three thousand (3,000), none;

[B. Cities participating in the State Revolving Loan Fund (SRF) administered by the Department of Natural Resources, none. The board will review documents submitted to the SRF, as needed;]

[C.]B. Cities with a population of three thousand (3,000) or less, a copy of the most recent annual audit of the city's finances, or a current set of financial statements;

[D.]C. First class or second class counties, or charter counties, none;

[E.]D. Third class counties, a copy of the most recent annual audit of the county's finances, or a current set of financial statements; or

[F.]E. Schools, sewer districts, fire districts, and other similar entities, a copy of current financial statements; and].

[(G) The board shall review applications within thirty (30) days of receipt, and shall respond to such applications in writing with a notice of acceptance, a request for clarification or information, or a rejection of the application.

1. *If the response is a notice of acceptance, it shall include the effective date and period of coverage.*

2. *If the response is a request for clarification or information, it shall specify a date by which the applicant must respond.*

3. *If the response is a rejection, it shall identify the additional information needed or list the reason(s) coverage is being denied. If the applicant submitted participation and/or one (1)-time fees with the application, the fees shall be returned or refunded.]*

(3) Procedures *[r]Regarding [p]Payment of [f]Fees [shall be as follows:]*.

(A) Participation fees shall be paid by all applicants, as follows:

1. Double-wall or secondary containment tank and piping systems that meet the requirements of *[10 CSR 20-10.020] 10 CSR 26-2.020* (includes UST systems that have secondary containment of the tank and piping), shall be assessed one hundred dollars (\$100) per tank annually; **and**

2. All other USTs shall be assessed one hundred twenty-five dollars (\$125) annually, *except that a UST which has not been upgraded, as required by 10 CSR 20-10, and has been temporarily closed shall be assessed two hundred dollars (\$200) annually;].*

(B) In addition, at the time of initial application, the applicant shall pay an additional one hundred dollars (\$100) per tank, as required by section 319.129.2, RSMo, unless such fee has already been paid;].

(C) If the required fees are not submitted with the application, and all other aspects of the application are acceptable, the board shall notify the applicant of the amount of such fees which are due, and shall indicate that such fees are due and payable within fourteen (14) days. Failure by the applicant to submit such fees in a timely manner shall result in rejection of the application, and no coverage shall exist;].

(D) In the event that participation in the fund is terminated prior to the end of the period of coverage, participation fees shall be refunded on the basis of the percentage of days remaining in the coverage period; and].

(4) The board shall review applications within thirty (30) days of receipt and shall respond to such applications in writing with a notice of acceptance, a request for clarification or information, or a rejection of the application.

(A) If the response is a notice of acceptance, it shall include the effective date and period of coverage.

(B) If the response is a request for clarification or information, it shall specify a date by which the applicant must respond.

(C) If the response is a rejection, it shall identify the additional information needed or list the reason(s) coverage is being denied. If the applicant submitted participation and/or one- (1)-time fees with the application, the fees shall be returned or refunded.

[(4)](5) Upon determination that an applicant has met the requirements for participation in the fund, the board shall issue a document to the applicant confirming that fact, and specifying the effective date of coverage and other terms and conditions of such coverage as the board may deem appropriate.

(A) The effective date of coverage shall be the date that the board receives evidence that all tanks and piping for which coverage is being sought are being operated in compliance with pertinent statutes and regulations, including evidence demonstrating a reasonable assurance that the *[underground storage tanks] USTs* are not leaking.

(B) The document shall confirm that the fund is providing coverage for risks associated with sudden or non-sudden accidental releases arising from the operation of *[underground storage tanks] USTs*, including costs of cleaning up such releases, third-party property damage, and third-party bodily injury, subject to the limits specified in sections 319.129 through 319.131, RSMo. These benefits are subject to the following limits:

1. A per occurrence limit of one (1) million dollars;

2. An annual aggregate limit of two (2) million dollars; and

3. A deductible of ten thousand dollars (\$10,000) per occurrence.

(C) The document shall include a cover page which identifies the person or persons being insured by the fund, the name and location of the business or operation where the *[tanks] USTs* are located, and

the specific *[tanks]* USTs which are covered. A separate participation document shall be issued for each site.

(D) For the purposes of coverage—as well as cancellation, nonrenewal of coverage, or termination of coverage discussed elsewhere in this rule—12:01 a.m. shall be the time of day that such actions become effective.

[(5)](6) In order to continue their participation in the fund, participants are required to renew their participation annually.

(A) The board shall notify participants approximately *[ninety (90)] sixty (60)* days in advance of the end of their coverage period~~,~~ and shall invite participants to renew their coverage for another twelve- (12-)~~/~~ month period of time.

(B) Participants shall submit such information as may be required by the board, including information specified in *[subsections (2)(D) and (2)(E) above]* section (2) of this rule, prior to the end of their coverage period.

(C) Any participant who fails to do so shall receive a notice from the board, giving the participant sixty (60) days to submit such information in order to continue participation in the fund. At the end of the sixty (60) days, if the participant has failed to submit the required information, coverage may be cancelled.

(D) Upon determination that the participant has met the requirements for continued participation in the fund, the board shall issue a document confirming that fact, and specifying the effective date of coverage and other terms and conditions of such coverage as the board may deem appropriate.

(E) In order to continue participation in the fund, participants shall pay such fees as are set forth in subsection (3)(A). If such fees are not submitted with the renewal application, and the application is accepted, the board shall notify the applicant of the amount of such fees which are due~~,~~ and shall indicate that such fees are due and payable within ten (10) days. Failure by the applicant to submit such fees in a timely manner shall result in nonrenewal of coverage on the date that such fees were due.

(F) If at the end of a policy period, all of the previously-insured *[underground storage tanks]* USTs have been *[emptied and]* taken out of use, the owner/operator of the tank(s) shall no longer be insured for costs resulting from sudden or non-sudden releases, since there cannot be a release from an empty tank. Instead, the owner or operator may apply for an extended reporting period. The extended reporting period allows named persons to give notice of claim for a release which occurred while the previously-insured tank(s) was/were in use, but which is not yet known.

1. Participation fees for the extended reporting period shall be *[as follows]*:

A. The same as was paid on such tanks while they were in use; or

B. Twenty-five dollars (\$25) less per tank per year, if the named insured does not wish to continue to receive benefits for third-party bodily injury and third-party property damage as a result of a claim first made during the extended reporting period.] paid at the same rates as specified in subsection (3)(A) above.

2. Terms and conditions of coverage shall be contained in documents issued by the board to the fund participant.

3. The extended reporting period shall consist of one- (1-)~~/~~ year increments. It shall not last for more than five (5) years after it first commences, and in no case beyond the sunset date of the fund established by the Missouri General Assembly.

4. The board reserves the right to grant extended reporting periods at its sole discretion.

[(6)](7) The following procedures shall be followed when there is a change of ownership, change of operator, or change of landowner:

(A) If, during the period of coverage as specified by the board, the owner of a UST changes, coverage shall cease and the former owner shall be given opportunity to purchase an extended reporting period,

as described in *[(5)(F) above]* subsection (6)(F) of this rule~~.~~;

(B) If, during the period of coverage as specified by the board, the operator of the UST changes, the owner shall notify the board in writing of the change and the effective date of such change. The board shall acknowledge the change in writing, which shall include notice of the effective date of termination of participation by the previous operator; and

(C) If, during the period of coverage as specified by the board, the owner of the real estate on which the tank(s) is located changes, the fund participant shall notify the board of the change at the time the participant renews coverage.

AUTHORITY: sections 319.129, 319.131, and 319.133, RSMo Supp. [2006] 2011. Original rule filed April 1, 1999, effective Nov. 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 13, 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 PSTIF, PO Box 836, Jefferson City, MO 65102, or via email to pstif@sprintmail.com. To be considered, comments must be received by October 17, 2012. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 4—Participation Requirements**

PROPOSED AMENDMENT

10 CSR 100-4.020 Participation Requirements for Aboveground Storage Tanks. The board is simplifying some of the rule's existing language, correcting regulatory citations, adding language that relaxes its requirements in certain situations, deleting an obsolete provision, and making changes to better reflect current practices.

PURPOSE: This amendment is being proposed to make it easier for owners/operators of aboveground tanks to get insured and to make the rule more accurate.

(1) Any owner or operator of an aboveground storage tank (AST) **which is in use** may apply to participate in the fund, except—

(2) *[The following procedures shall be utilized to apply for insurance coverage for aboveground storage tanks which are in use:*

(A)] Any owner or operator who wishes to participate in the fund shall so indicate by applying for coverage on a form specified by the board~~;~~. **An application shall—**

[(B) Applications shall include] **(A) Include** a certification that the petroleum tanks meet or exceed and are in compliance with rules established by the Missouri Department of Agriculture *[and regulations promulgated by the U.S. Environmental Protection Agency (EPA), except those pertaining to spill prevention, control and countermeasure (SPCC) plans];*

[(C) An application form shall be] **(B) Be** submitted for each site for which *[an owner]* **the applicant** desires coverage;

[(D) Applications shall include] **(C) Include** information on all tanks known to exist at the site, including underground storage tanks, hazardous substance tanks, and aboveground storage tanks~~,~~ which

are out of use;

[(E) Applications shall include] (D) Include documentation as required by the board to demonstrate that the applicant has a reasonable assurance of the integrity of all *[aboveground storage tanks] ASTs* on the site which are in use or temporarily out of use. This documentation shall include:

1. A demonstration, performed within the previous twelve (12) months, that any *[pressurized]* piping which is connected to or part of the aboveground storage tank(s) for which coverage is being sought is liquid tight; and

2. Other documentation as may reasonably be required by the board; **and**

[(F) Applications shall also] (E) [i]Include documentation as required by the board in order to demonstrate that the applicant has the ability to pay the first ten thousand dollars (\$10,000) in the event he or she makes a claim for benefits from the fund. Such documentation shall include:

1. A letter of credit for this amount from a federally-insured financial institution in the favor of the Petroleum Storage Tank Insurance Fund;

2. One (1) or more certificates of deposit which total this amount. The applicant shall submit documentation from the custodian of such certificates that assures the *[fund] board* of their existence and preservation for the purposes described herein;

3. Financial statements indicating that the net worth of the applicant is at least one hundred thousand dollars (\$100,000), or that the applicant has at least fifty thousand dollars (\$50,000) working capital;

4. A written guarantee from another person or entity demonstrating the ability to pay this amount in a manner outlined in this rule. The provider of the guarantee shall disclose the relationship between that person or entity and the applicant;

5. A letter signed by an officer of a federally-insured financial institution attesting to the ability of the applicant to pay this amount; or

6. Any other method determined by the board to be reasonable and sufficient; *and*].

[(G) The board shall review applications within thirty (30) days of receipt and shall respond to such applications in writing with a notice of acceptance, a request for clarification or information, or a rejection of the application.

1. *If the response is a notice of acceptance, it shall include the effective date and period of coverage.*

2. *If the response is a request for clarification or information, it shall specify a date by which the applicant must respond.*

3. *If the response is a rejection, it shall identify the additional information needed or list the reason(s) coverage is being denied. If the applicant submitted participation and/or one (1)-time fees with the application, the fees shall be returned or refunded.]*

(3) Procedures *[r]Regarding [p]Payment of [f]Fees [shall be as follows:]*.

(A) Participation fees shall be paid by all applicants, as follows:

1. Tanks less than twenty-five thousand (25,000) gallons shall be assessed one hundred dollars (\$100); and

2. Tanks of twenty-five thousand (25,000) gallons or larger shall be assessed two hundred dollars (\$200);*].*

(B) In addition, at the time of initial application, the applicant shall pay an additional one hundred dollars (\$100) per tank, as required by section 319.129.2, RSMo, unless such fee has already been paid;*].*

(C) If the required fees are not submitted with the application, and all other aspects of the application are acceptable, the board shall notify the applicant of the amount of such fees which are due*[,] and shall indicate that such fees are due and payable within fourteen (14) days. Failure by the applicant to submit such fees in a timely manner shall result in rejection of the application, and no coverage shall*

exist[;].

(D) In the event that participation in the fund is terminated prior to the end of the period of coverage, participation fees shall be refunded on the basis of the percentage of days remaining in the coverage period; *and*].

(4) The board shall review applications within thirty (30) days of receipt and shall respond to such applications in writing with a notice of acceptance, a request for clarification or information, or a rejection of the application.

(A) If the response is a notice of acceptance, it shall include the effective date and period of coverage.

(B) If the response is a request for clarification or information, it shall specify a date by which the applicant must respond.

(C) If the response is a rejection, it shall identify the additional information needed or list the reason(s) coverage is being denied. If the applicant submitted participation and/or one- (1-) time fees with the application, the fees shall be returned or refunded.

[(4)](5) Upon determination that an applicant has met the requirements for participation in the fund, the board shall issue a document to the applicant confirming that fact and specifying the effective date of coverage and other terms and conditions of such coverage as the board may deem appropriate.

(A) The effective date of coverage shall be the date that the board receives evidence that all tanks and piping for which coverage is being sought are being operated in compliance with pertinent statutes and regulations, including evidence demonstrating a reasonable assurance that *[aboveground storage tanks] ASTs* are not leaking.

(B) The document shall confirm that the fund is providing financial protection for risks associated with sudden or non-sudden accidental releases arising from the operation of *[aboveground storage tanks] ASTs*, including costs of cleaning up such releases, third-party property damage, and third-party bodily injury, subject to the limits specified in sections 319.129 through 319.131, RSMo. These benefits are subject to the following limits;

1. A per occurrence limit of one (1) million dollars;

2. An annual aggregate limit of two (2) million dollars; and

3. A deductible of ten thousand dollars (\$10,000) per occurrence.

(C) The document shall include a cover page which identifies the person or persons being insured by the fund, the name and location of the business or operation where the tanks are located, and the specific tanks which are covered. A separate participation document shall be issued for each site.

(D) For the purposes of coverage—as well as cancellation, nonrenewal of coverage, or termination of coverage discussed elsewhere in this rule—12:01 a.m. shall be the time of day that such actions become effective.

[(5)](6) In order to continue participation in the fund, participants are required to renew their participation annually.

(A) The board shall notify participants approximately *[ninety (90)] sixty (60)* days in advance of the end of their coverage period and shall invite participants to renew their coverage for another twelve- (12-)*[-]* month period of time.

(B) Participants shall submit such information as may be required by the board, including:

1. A demonstration, performed within the previous twelve (12) months, that any *[pressurized]* piping which is connected to or part of the *[aboveground storage tank(s)] ASTs* for which coverage is being sought is liquid tight; and

2. Other documentation as may reasonably be required by the board.

(C) Any participant who fails to do so shall receive a notice from the board, giving the participant sixty (60) days to submit such information in order to continue participation in the fund. At the end of

the sixty (60) days, if the participant has failed to submit the required information, coverage may be cancelled.

(D) Upon determination that the participant has met the requirements for continued participation in the fund, *[and that all above-ground tanks being insured are still in use,]* the board shall issue a document to the applicant confirming that fact and specifying the effective date of coverage and other terms and conditions of such coverage as the board may deem appropriate.

(E) In order to continue participation in the fund, participants shall pay such fees as are set forth in subsection (3)(A) above. If such fees are not submitted with the renewal application, and the application is accepted, the board shall notify the applicant of the amount of such fees which are due and shall indicate that such fees are due and payable within ten (10) days. Failure by the applicant to submit such fees in a timely manner shall result in nonrenewal of coverage on the date that such fees were due.

(F) If at the end of a participation period, all of the previously-insured *[aboveground storage tanks]* ASTs have been *[emptied and]* taken out of use, the owner and/or operator of the tank(s) shall no longer be insured for costs resulting from sudden or non-sudden releases, since there cannot be a release from an empty tank. Instead, the owner or operator may apply for an extended reporting period. The extended reporting period allows named persons to give notice of claim for a release which occurred while the previously-insured tank(s) was/were in use, but which is not yet known.

1. Participation fees **for the extended reporting period** shall be paid on such tanks at the same rates as specified in subsection (3)(A) above.

2. Coverage provided by the fund shall be limited to one (1) million dollars.

3. A ten thousand dollar (\$10,000) deductible shall apply.

4. All other terms and conditions of coverage provided by the fund shall be contained in the document issued by the board to the fund participant.

5. The extended reporting period shall consist of one- (1-)/-year increments, but shall not last for more than five (5) years after it commences and in no case beyond the sunset date of the fund established by the Missouri General Assembly.

6. The board reserves the right to issue such coverage at its sole discretion.

[(6)](7) The following procedures shall be followed when there is a change of ownership, change of operation, or change of landowner:

(A) If, during the period of coverage as specified by the board, the owner of an *[aboveground storage tank]* AST changes, coverage shall cease and the former owner shall be given opportunity to purchase an extended reporting period, as described in *[subsection (5)(E) above]* **subsection (6)(F) of this rule;**

(B) If, during the period of coverage as specified by the board, the operator of the AST changes, the owner shall notify the board in writing of the change and the effective date of such change. The board shall acknowledge the change in writing, which shall include notice of the effective date of termination of participation by the previous operator; and

(C) If, during the period of coverage as specified by the board, the owner of the real estate on which the tank/s/(s) are located changes, the fund participant shall notify the board in writing of the change at the time the participant renews coverage.

AUTHORITY: sections 319.129, 319.131, and 319.133, RSMo Supp. [2008] 2011. Original rule filed April 1, 1999, effective Nov. 30, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 13, 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 PSTIF, PO Box 836, Jefferson City, MO 65102, or via email to pstif@sprintmail.com. To be considered, comments must be received by October 17, 2012. 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 2010-2.005 Definitions. The board is proposing to amend section (5).

PURPOSE: This amendment is updating the reference to the American Institute of Certified Public Accountants Code of Professional Conduct to the current version.

(5) Financial statement is a presentation of financial data, including accompanying notes, if any, intended to communicate an entity's economic resources and/or obligations at a point in time or the changes therein for a period of time, in accordance with generally accepted accounting principles or a comprehensive basis of accounting other than generally accepted accounting principles. Incidental financial data to support recommendations to a client or in documents for which the reporting is governed by Statements on Standards for Attestation Engagements and tax returns and supporting schedules do not, for this purpose, constitute financial statements. The statement, affidavit, or signature of preparers required on tax returns neither constitutes an opinion on financial statements nor requires a disclaimer of such opinion. Statements on Standards of Attestation Engagement are documents included in the American Institute of Certified Public Accountants (AICPA) Code of Professional Conduct *[(October 31, 2009)]* **(June 1, 2012)**, which is incorporated by reference in this rule. A printed copy or copy on CD-Rom or other electronic copies of the Rules of Professional Conduct may also be obtained from the American Institute of Certified Public Accountants, 220 Leigh Farm Road, Durham, NC 27707 or <http://www.aicpa.org>. **This rule does not incorporate any subsequent amendments or additions.**

AUTHORITY: sections 326.256, 326.262, and 326.268, RSMo Supp. [2009] 2011. This rule originally filed as 4 CSR 10-2.005. Original rule filed July 3, 1975, effective Aug. 25, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 15, 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 Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012, or via email 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 2010—Missouri State Board of Accountancy
Chapter 3—Professional Ethics—Rules of Conduct**

PROPOSED AMENDMENT

20 CSR 2010-3.010 General Purpose of Ethics Rules. The board is proposing to amend section (1).

PURPOSE: This amendment is updating the reference to the American Institute of Certified Public Accountants Code of Professional Conduct to the current version.

(1) A licensee shall comply with the professional standards of the most current American Institute of Certified Public Accountants (AICPA) Code of Professional Conduct, including the most current AICPA Interpretations of the Code of Professional Standards. Said standards are incorporated by reference in this rule. A printed copy or copy on CD-Rom, or other electronic copy of the Code of Professional Conduct [(October 31, 2009)] (June 1, 2012) may also be obtained from the American Institute of Certified Public Accountants, 220 Leigh Farm Road, Durham, NC 27707 or <http://www.aicpa.org>. This rule does not incorporate any subsequent amendments or additions. The licensee shall also comply with the requirements of any state, territory, federal agency, or country, which may regulate professional responsibilities of accountants. In the event of a conflict between the AICPA Code of Professional Conduct and the Missouri statute or rules, the Missouri statute or rules shall prevail.

AUTHORITY: section 326.271, RSMo Supp. [2009] 2011. This rule originally filed as 4 CSR 10-3.010. Original rule filed July 3, 1975, effective Aug. 25, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 15, 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 Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012, or via email 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 2010—Missouri State Board of Accountancy
Chapter 3—Professional Ethics—Rules of Conduct**

PROPOSED AMENDMENT

20 CSR 2010-3.060 Other Responsibilities and Practices. The board is proposing to amend section (11).

PURPOSE: This amendment is updating the reference to the American Institute of Certified Public Accountants Code of Professional Conduct to the current version.

(11) A licensee shall comply with any accounting record retention requirements in the professional standards of the most current American Institute of Certified Public Accountants (AICPA), 220 Leigh Farm Road, Durham, NC 27707 or <http://www.aicpa.org>, Code of Professional Conduct [(October 31, 2009)] (June 1, 2012), which is incorporated by reference in this rule, and any other governmental or regulatory agency, which may regulate client business or use the licensee's report to evaluate the client's compliance with applicable laws and related regulations. This rule does not incorporate any subsequent amendments or additions. However, documentation or working papers required by professional standards for attest services, for present or former clients, shall be maintained in paper or electronic format by a licensee or permit holder for a period of not less than four (4) years from the date of any report issued in connection with the attest service. Failure to maintain such documentation or working papers may be deemed an admission that they do not comply with professional standards.

AUTHORITY: sections 326.271, 326.280, and 326.289, RSMo Supp. [2009] 2011. This rule originally filed as 4 CSR 10-3.060. Original rule filed July 3, 1975, effective Aug. 25, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 15, 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 Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012, or via email 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 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review**

PROPOSED AMENDMENT

20 CSR 2010-5.070 Peer Review Standards. The board is proposing to amend section (1).

PURPOSE: This amendment is updating the reference to the American Institute of Certified Public Accountants Code of Professional Conduct to the current version.

(1) The Missouri State Board of Accountancy (the board) specifies that the "Standards for Performing and Reporting on Peer Reviews," as promulgated by the American Institute of Certified Public Accountants (AICPA), which is incorporated by reference in this rule, or such other standards which are adopted, accepted, or recognized by the AICPA as meeting or exceeding the AICPA standards, shall satisfy the requirements of section 326.289.9, RSMo. A printed copy or copy on CD-Rom, of the "Standards for Performing and Reporting on Peer Reviews [(October 31, 2009)] (June 1, 2012)"

may also be obtained from the American Institute of Certified Public Accountants, 220 Leigh Farm Road, Durham, NC 27707 or <http://www.aicpa.org>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 326.271 and 326.289.9, RSMo Supp. [2009] 2011. This rule originally filed as 4 CSR 10-5.070. Original rule filed Nov. 3, 2003, effective June 30, 2004. Moved to 20 CSR 2010-5.070, effective Aug. 28, 2006. Amended: Filed Feb. 23, 2010, effective Aug. 30, 2010. Amended: Filed Aug. 15, 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 Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012, or via email 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 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

**20 CSR 2150-2.170 Human Chorionic Gonadotropin (HCG) of
No Medical or Osteopathic Value in the Treatment of Obesity or
Weight Loss**

PURPOSE: This rule provides clarification of the approved use of Human Chorionic Gonadotropin (HCG).

(1) Pursuant to authority granted to the board by section 334.100.2(4)(f), RSMo, the board declares the use of Human Chorionic Gonadotropin (HCG) on a patient is of no medical or osteopathic value except for those uses approved by the Food and Drug Administration (FDA) by federal regulation.

(2) The board shall not seek disciplinary action against a licensee based solely upon a non-approved use of HCG if the licensee has the patient sign the Informed Consent for HCG form, included herein, before beginning the non-approved use of HCG on a patient.

Informed Consent for Human Chorionic Gonadotropin (HCG)

Patient's Name: _____

Address: _____

Age: _____ Sex: ___ Male ___ Female

Name and Address of Treating Physician:

Malignancy, disease, illness or physical condition diagnosed for medical treatment with HCG:

My physician has explained to me and I fully understand:

- (a) that the FDA package insert for HCG states, "HCG has not been demonstrated to be effective adjunctive therapy in the treatment of obesity. There is no substantial evidence that it increases weight loss beyond that resulting from caloric restriction, that it causes a more attractive or 'normal' distribution of fat, or that it decreases the hunger and discomfort associated with calorie-restricted diets";
- (b) because of the potential for side effects, the FDA package insert suggests that HCG should be used with caution in patients with certain conditions, including cardiac diseases, renal disease, epilepsy, migraine and asthma;
- (c) that the American Society of Bariatric Physicians has issued a position statement that the use of HCG for weight loss is not recommended. Bariatric medicine is the field of medicine which specializes in the evaluation and treatment of overweight people through medical management;
- (d) prior to prescribing medication for weight loss a physician should obtain a complete medical history, perform a physical examination of the patient and order appropriate tests to include, but not limited to, an EKG and tests of thyroid function, liver function, and kidney function to confirm that there are no medical conditions which are a contraindication to the use of HCG;
- (e) that there are no peer-reviewed studies supporting the use of HCG in weight loss;
- (f) that the federal government and most insurance companies do not pay for or reimburse for treatment with HCG;
- (g) that the Missouri State Board of Registration for the Healing Arts has monitored the development of the scientific literature on HCG and has concluded that HCG

- has been authoritatively demonstrated to be ineffective in the treatment of obesity and weight loss;
- (h) that the Missouri State Board of Registration for the Healing Arts has determined that the use of HCG for obesity or weight loss by Missouri citizens may be harmful to their health;
 - (i) as of December 6, 2011, the FDA has prohibited the sale of "homeopathic" and over the counter HCG diet products and declared them fraudulent and illegal;
 - (j) that neither the American Medical Association, the American Osteopathic Association, nor any other recognized independent medical association recommend the use of HCG for the treatment of obesity or weight loss;
 - (k) that the Missouri State Board of Registration for the Healing Arts strongly recommends that Missouri citizens not undergo HCG treatment for obesity or weight loss; and
 - (l) that treatment with HCG may not begin until three business days have expired after the date of my execution of this informed consent.

Physician's Signature

Date

I have read and understand the above. Notwithstanding having read and understood the above, I hereby elect to undergo treatment with HCG.

Patient's Signature

Date

AUTHORITY: section 334.125, RSMo 2000, and section 334.100.2(4)(f), RSMo Supp. 2011. Original rule filed Aug. 15, 2012.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@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.*

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.110 General Prohibition; Applications **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2012 (37 MoReg 1005). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Conservation received three (3) comments on the proposed amendment.

COMMENT #1: James Parks, Adair, expressed opposition to recently approved regulations prohibiting feeding of wildlife and removal of the four- (4-) point antler restriction in the Chronic Wasting Disease (CWD) Containment Zone.

COMMENT #2: Ethan Sargent, St. Charles, expressed general support for recently approved regulations in the CWD Containment Zone.

COMMENT #3: Pete Eisentrager expressed support for regulation changes to stop the spread of CWD to the state's free-ranging white-

tailed deer herd.

RESPONSE: No changes have been made to this rule as a result of these comments.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.222 Youth Pricing: Deer and Turkey Permits **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2012 (37 MoReg 1005). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2012 (37 MoReg 1006). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits **is amended**.

A notice of proposed rulemaking containing the text of the proposed

amendment was published in the *Missouri Register* on July 2, 2012 (37 MoReg 1006). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits**

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 644.026, RSMo 2000, the Clean Water Commission rescinds a rule as follows:

10 CSR 20-6.100 General Pretreatment Regulation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2012 (37 MoReg 393-394). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held May 2, 2012, and the public comment period ended May 16, 2012. At the public hearing, the Clean Water Commission staff explained the proposed rescission. No comments were made at the public hearing and no comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits**

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission, section 644.026, RSMo 2000, the Clean Water Commission adopts a rule as follows:

10 CSR 20-6.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2012 (37 MoReg 394-406). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held May 2, 2012, and the public comment period ended May 16, 2012. At the public hearing, the Clean Water Commission staff explained the new proposed rule. No comments were made at the public hearing.

Five (5) written comments were received from Mr. Douglas M. Mendoza, P.E. with the Metropolitan St. Louis Sewer District (MSD). Three (3) comments were received from Ms. Dorris L. Bender with the City of Independence's Water Pollution Control Department (Independence). Two (2) comments were received from Mr. Randy Lyman with the City of Springfield's Clean Water Services (Springfield). Four (4) changes to the proposed new rule were made as a result of these comments. Department of Natural Resources staff provided three (3) additional comments on this order of rulemaking.

COMMENT #1: MSD, Independence, and Springfield support the adoption of the federal pretreatment streamlining regulations. The federal regulations provide flexibility to administer the regulations and more effectively manage their workload.

RESPONSE: The Department of Natural Resources (department) appreciates and acknowledges the support. No changes in the proposed revisions were made in response to these comments.

COMMENT #2: MSD commented that subsection (2)(B) of the rule omitted three (3) parts in the federal rules, 40 CFR Parts 405 through 471, which contain pretreatment standards and should be added to the list in subsection (2)(B).

RESPONSE AND EXPLANATION OF CHANGE: Staff agrees the parts in the federal rule should be added to this proposed rule. One (1) additional part was identified by department staff. The federal rules, 40 CFR Parts 435, 437, 442, and 444, will be added to subsection (2)(B) of the proposed rule.

COMMENT #3: MSD and Independence commented that the federal rule, 40 CFR Part 136, is updated more frequently than the state rule, 10 CSR 20-7.015(9)(A) and requested that the federal rule be cited as the reference for approved sampling and analytical methods.

RESPONSE AND EXPLANATION OF CHANGE: Staff agrees the reference to the federal rule should be retained in this proposed rule. Both the federal and state citations will be used in order to allow flexibility to use methods published in either one of the two (2) regulations. The proposed rule will add a citation to the state rule (10 CSR 20-7.015(9)(A)2.) instead of substituting for the federal rule.

COMMENT #4: MSD, Independence, and Springfield commented that it is not appropriate to require notification of Missouri's solid and hazardous waste laws retroactively for all industrial users that have been previously notified of federal hazardous and solid waste laws. The fiscal note for the proposed rule does not address costs for the new notification requirements. In addition, the federal requirement to notify industrial users would still apply and the proposed rule does not include the reference to the federal requirement.

RESPONSE AND EXPLANATION OF CHANGE: Staff acknowledges that this is an additional burden on the cities that was not considered in the fiscal note. Section (10) will be deleted from the proposed rule. This deletion does not remove the responsibility of the industrial users to comply with Missouri law. Staff encourages the cities to notify industries that Missouri's solid and hazardous waste rules are applicable for materials that are solid waste. Guidance on notification procedures is available in *RCRA Information on Hazardous Wastes for Publicly Owned Treatment Works*, Environmental Protection Agency, September 1985. This guidance is available at: <http://www.epa.gov/npdes/pubs/owm0002.pdf>.

COMMENT #5: MSD commented that subsection (12)(B) of the proposed rule is confusing because it is not different from what is in the federal rule, 40 CFR Section 403.14(b).

RESPONSE AND EXPLANATION OF CHANGE: Staff agrees with the comment, and the language of subsection (12)(B) in the proposed rule is removed.

COMMENT #6: Department staff commented that the phrase "not including any later amendments or additions" is added to the citations for rules that are adopted by reference in section (2). Also, the words "subject to the additions, modifications and substitutions set forth in 10 CSR 20-6.100(4) through (13)" should be added to the first sentence of subsection (2)(B).

RESPONSE AND EXPLANATION OF CHANGE: The phrasing included in section (1) of the proposed rule meets the requirements of section 536.031, RSMo, for an adoption of a rule by reference. The phrase will be repeated in section (2) for clarity. Also, the suggested wording "subject to . . ." was added to subsection (2)(B).

COMMENT #7: Department staff commented that the title of the Missouri revised statute and section numbers cited in subsection (12)(A) of the proposed rule should be taken out of the rule language. RESPONSE AND EXPLANATION OF CHANGE: The title of the Missouri revised statute and the section numbers were removed from subsection (12)(A).

COMMENT #8: Department staff commented that the title of the Missouri revised statute cited in section (14) of the proposed rule should be taken out of the rule language. RESPONSE AND EXPLANATION OF CHANGE: The title of the Missouri revised statute was removed from section (14).

10 CSR 20-6.100 General Pretreatment Regulation

(2) Provisions Incorporated.

(A) The provisions of the *General Pretreatment Regulations for Existing and New Sources of Pollution*, 40 CFR Part 403, as in effect January 1, 2011, are hereby adopted and incorporated by reference, not including any later amendments or additions, subject to the additions, modifications, and substitutions set forth in 10 CSR 20-6.100(4) through (13).

(B) The provisions of the following rules, as in effect January 1, 2011, are hereby adopted and incorporated by reference, not including any later amendments or additions, subject to the additions, modifications, or substitutions set forth in 10 CSR 20-6.100(4) through (13). The rules in this list refer to only the rules that contain pretreatment standards or limitations for industrial facilities that discharge to the local publicly-owned treatment works.

40 CFR Part 406 Grain Mills Point Source Category
 40 CFR Part 413 Electroplating Point Source Category
 40 CFR Part 414 Organic Chemicals, Plastics, and Synthetic Fibers
 40 CFR Part 415 Inorganic Chemicals Manufacturing Point Source Category
 40 CFR Part 417 Soap and Detergent Manufacturing Point Source Category
 40 CFR Part 418 Fertilizer Manufacturing Point Source Category
 40 CFR Part 419 Petroleum Refining Point Source Category
 40 CFR Part 420 Iron and Steel Manufacturing Point Source Category
 40 CFR Part 421 Nonferrous Metals Manufacturing Point Source Category
 40 CFR Part 423 Steam Electric Power Generating Point Source Category
 40 CFR Part 425 Leather Tanning and Finishing Point Source Category
 40 CFR Part 426 Glass Manufacturing Point Source Category
 40 CFR Part 428 Rubber Manufacturing Point Source Category
 40 CFR Part 429 Timber Products Processing Point Source Category
 40 CFR Part 430 Pulp, Paper, and Paperboard Point Source Category
 40 CFR Part 433 Metal Finishing Point Source Category
 40 CFR Part 435 Oil and Gas Extraction Point Source Category
 40 CFR Part 437 Centralized Waste Treatment Point Source Category
 40 CFR Part 439 Pharmaceutical Manufacturing Point Source Category
 40 CFR Part 442 Transportation Equipment Cleaning Point Source Category
 40 CFR Part 443 Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category
 40 CFR Part 444 Waste Combustors Point Source Category
 40 CFR Part 446 Paint Formulating Point Source Category
 40 CFR Part 447 Ink Formulating Point Source Category
 40 CFR Part 455 Pesticide Chemicals
 40 CFR Part 458 Carbon Black Manufacturing Point Source Category
 40 CFR Part 461 Battery Manufacturing Point Source Category

40 CFR Part 464 Metal Molding and Casting Point Source Category
 40 CFR Part 465 Coil Coating Point Source Category
 40 CFR Part 466 Porcelain Enameling Point Source Category
 40 CFR Part 467 Aluminum Forming Point Source Category
 40 CFR Part 468 Copper Forming Point Source Category
 40 CFR Part 469 Electrical and Electronic Components Point Source Category
 40 CFR Part 471 Nonferrous Metals Forming and Metal Powders Point Source Category

Note: 40 CFR Part 412 Concentrated Animal Feeding Operations (CAFO) Point Source Category has been adopted at 10 CSR 20-6.300(4)(C).

(5) In the provisions of 40 CFR Part 403, following all occurrences of the citation to 40 CFR Part 136, add the phrase “or 10 CSR 20-7.015(9)(A)2.”

(10) Substitute “Missouri Department of Natural Resources” for the term “agency” in the 40 CFR Section 403.16.

(11) Confidentiality.

(A) In lieu of 40 CFR Section 403.14(a), the following shall apply:

1. Authorities. Any claim for confidentiality to the control authority must be in accordance with the Missouri Sunshine Law, Chapter 610, RSMo. If no claim is made at the time of submission, the control authority may make the information available to the public without further notice.

(B) The provisions of 40 CFR Section 403.14(c) are omitted.

(12) Pretreatment Authorization. Where the director is also the control authority, the director may issue a pretreatment authorization to a categorical industrial user which discharges industrial process wastewater to a POTW. This authorization will be used to set forth the conditions governing the user’s discharge to the POTW, where the POTW does not have an approved pretreatment program or the POTW has not issued discharge permits that meet the requirements set forth in 10 CSR 20-6.100(2) and (3).

(13) Judicial Relief.

(A) The director shall have authority to seek judicial relief pursuant to Missouri Clean Water Law, Chapter 644, including section 644.076, RSMo, for noncompliance by industrial users when the POTW has failed to act or has acted to seek such relief but has sought judicial relief which the director finds to be insufficient. The procedures for notice to dischargers where the POTW is seeking ex parte temporary judicial injunctive relief will be governed by applicable state or federal law and not by this provision.

(B) The director shall have authority to seek judicial relief pursuant to the Missouri Clean Water Law, Chapter 644, including section 644.076, RSMo, for noncompliance by industrial users where the director is the control authority.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 51—Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives

ORDER OF RULEMAKING

By the authority vested in the Secretary of State under section 409.6-605, RSMo Supp. 2011, the secretary amends a rule as follows:

15 CSR 30-51.100 Custody of Securities or Funds by Investment Advisers **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 912-913). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers, and Investment Adviser Representatives

ORDER OF RULEMAKING

By the authority vested in the Secretary of State under section 409.6-605, RSMo Supp. 2011, the secretary amends a rule as follows:

15 CSR 30-51.180 Exemptions from Registration for Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 913-914). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 4—Missouri Higher Education Savings Program

ORDER OF RULEMAKING

By the authority vested in the state Treasurer for the Missouri Higher Education Savings Program Board under section 166.415, RSMo Supp. 2011, the Missouri Higher Education Savings Program Board adopts a rule as follows:

15 CSR 50-4.030 Missouri MOST 529 Matching Grant Program **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2012 (37 MoReg 733-734). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Prior to filing the proposed order of rulemaking, the Missouri Higher Education Savings Program Board received one (1) comment regarding the Missouri MOST 529 Matching Grant Program, which is the subject matter of the proposed rule.

COMMENT: Ms. Susan Mello provided a letter of comment regarding the content of the proposed rule and asked that the Missouri Higher Education Savings Program Board reconsider the requirement that beneficiaries of the MOST Matching Grant be age thirteen (13) or younger at the time that the first MOST Matching Grant Application is approved. Ms. Mello believes that the age limit is unfair to students who are over the age of thirteen (13) and adversely impacts those children over the age of thirteen (13) who have

learning disabilities because they have less opportunity to obtain other types of financial aid based on their standardized test scores.

RESPONSE: The Missouri Higher Education Savings Program Board does not believe that the eligibility requirement adversely impacts those children with learning disabilities because it does not treat children with learning disabilities differently than those children without learning disabilities. The eligibility requirement which provides that a beneficiary must be thirteen (13) years old or younger at the time that the first MOST Matching Grant Application is approved was chosen to provide a chance for the MOST Matching Grant funds to grow prior to the beneficiary entering college. No changes have been made to the rule as a result of this comment.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 3—Funds of Retirement System

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2011, the board of trustees hereby amends a rule as follows:

16 CSR 10-3.020 Management of Funds **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 914-915). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 6—The Public Education Employee Retirement
System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 2011, the board of trustees hereby amends a rule as follows:

16 CSR 10-6.030 Management of Funds **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 915). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees’
Retirement System (LAGERS)
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Local Government Employees’

Retirement System under section 70.605.21, RSMo Supp. 2011, the Missouri Local Government Employees' Retirement System rescinds a rule as follows:

16 CSR 20-2.083 Re-Employment in LAGERS-Covered Employment After Retirement is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 1, 2012 (37 MoReg 915). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-2.015 Administration and Command of the Private Security Section is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 915–916). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-2.025 Definitions is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 916). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police

Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-2.035 Licensing is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 916–917). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-2.055 Training is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 917–918). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-2.065 Authority is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 918). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-2.085 Uniforms is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 918-919). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-2.105 Weapons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 919-920). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-2.125 Complaint/Disciplinary Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 920-921). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 3—Rules for Couriers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-3.015 Administration and Command of the Private Security Section is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 921-922). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 3—Rules for Couriers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-3.025 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 922). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 3—Rules for Couriers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-3.055 Training is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 922-923). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 3—Rules for Couriers**

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-3.085 Uniforms is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012

(37 MoReg 923). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 3—Rules for Couriers

ORDER OF RULEMAKING

By the authority vested in the St. Louis Board of Police Commissioners under section 84.340, RSMo 2000, the board amends a rule as follows:

17 CSR 20-3.105 Weapons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2012 (37 MoReg 923). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 85—Intermediate Care and Skilled Nursing Facility

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.074 and 198.079, RSMo Supp. 2011, the department amends a rule as follows:

19 CSR 30-85.022 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2012 (37 MoReg 585-591). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received eleven (11) comments on the proposed amendment during the public comment period.

COMMENT #1: Ron Thompson, Deputy Chief, Fire Inspection Unit-Missouri Division of Fire Safety, recommended adding the word “crawl spaces” to the definition of accessible spaces in subsection (1)(A).

RESPONSE: The department believes this would add a new requirement that has not been available for public review and/or comment. At this time, the department believes the current definition of accessible spaces is adequate. The department is willing to review this comment the next time this regulation set is open for review. No changes have been made to the rule as a result of this comment.

COMMENT #2: Ron Thompson recommended amending the language in the last sentence of subsection (8)(B) to replace the word

“in” kitchen cooking areas with “located within thirty feet (30’) of” kitchen cooking areas.

RESPONSE: This particular subsection was not open for comment. After considerable study and deliberation, the department concludes the current language is appropriate at this time. Subsection (8)(D) requires all fire extinguishers be installed and maintained in accordance with National Fire Protection Association (NFPA) 10, 1998 edition. No changes have been made to the rule as a result of this comment.

COMMENT #3: Ron Thompson recommended amending the language in the third sentence of subsection (10)(A) by adding the words “and heard” after the words “. . . audible alarms that can be heard . . .”

RESPONSE: That sentence with the recommended language would then read as follows: “*The complete fire alarm system shall include visual signals and audible alarms that can be heard and heard throughout the building and main panel that interconnects all alarm-activating devices and audible signals in accordance with NFPA 72, 1999 edition.*” The department can only assume the recommended words “and heard” is in error and instead should have been “and seen.” Even so, the department believes this would add a new requirement that has not been available for public review and/or comment. Facilities are required to comply with NFPA 72, 1999 edition regarding visual signals and audible alarms. No changes have been made to the rule as a result of this comment.

COMMENT #4: Ron Thompson recommended amending the language in the fourth sentence of subsection (10)(A) to replace the words “at or near” with the words “within five feet (5’) of.”

RESPONSE: After considerable study and deliberation, the department concludes the current language is appropriate at this time. This new recommendation also has not been available for public review and/or comment. Facilities are required to comply with NFPA 72, 1999 edition regarding placement of manual pulls. However, the department is willing to review this comment the next time this regulation set is open for review. No changes have been made to the rule as a result of this comment.

COMMENT #5: Ron Thompson recommended amending the language in subsection (10)(C) to replace the word “qualified” with the words “factory certified for the installed equipment.”

RESPONSE: This particular subsection was not open for comment. The department believes this would add a new requirement that has not been available for public review and/or comment. Furthermore, NFPA 72, 1999 edition, section 7-1.2.2 lists examples of five (5) different types of acceptable qualified personnel. After considerable study and deliberation, the department concludes the current language is appropriate at this time. No changes have been made to the rule as a result of this comment.

COMMENT #6: Denise Clemonds, Chief Operating Officer, LeadingAge Missouri, questioned why remove the word “promptly” from subsection (10)(G) and if there might be better wording like “take immediate steps to initiate repairs” and “assure repairs are completed as soon as practical.”

RESPONSE: After considerable study and deliberation, the department concludes the removal of the word “promptly” is appropriate at this time. Facilities are required to ensure the fire alarm system is operational at all times. The word “promptly” can be considered as a function of circumstances. For what is “prompt” in one situation may not be considered as such under other circumstances or conditions. No changes have been made to the rule as a result of this comment.

COMMENT #7: Denise Clemonds questioned whether paragraph (10)(K)2. should be amended to include the word “promptly” after the words “correct the fault.”

RESPONSE: After considerable study and deliberation, the department concludes the proposed language is appropriate at this time. Facilities are required to ensure the fire alarm system is operational at all times. The word “promptly” can be considered as a function of circumstances. For what is “prompt” in one situation may not be considered as such under other circumstances or conditions. No changes have been made to the rule as a result of this comment.

COMMENT #8: Ron Thompson questioned whether the language in the last line of subsection (11)(C) should read “. . . licensed on or before August 27, 2007.”

RESPONSE AND EXPLANATION OF CHANGE: After considerable study and deliberation of section 198.074.2, RSMo, the department concludes that the word “licensed” is an incorrect reference and should be removed.

COMMENTS #9 and #10: Ron Thompson and Denise Clemonds questioned how would one verify that the local jurisdiction’s emergency management director has an up-to-date copy of the facility’s entire emergency plan as required for subsection (33)(A).

RESPONSE: The department will accept the following forms of documentation: in writing, certified mail, facsimile, or electronic media as methods to verify the communication between facilities and their local jurisdiction’s emergency management director regarding the submission and receipt of the facility’s emergency plan. No changes have been made to the rule as a result of this comment.

COMMENT #11: Denise Clemonds questioned what type of carpet classification is acceptable in a sprinkled building since that language in section (39) is proposed for deletion.

RESPONSE: There are no interior floor finish requirements in smoke compartments that are protected throughout by an approved, supervised automatic sprinkler system in accordance with 19.3.3.3 NFPA, Life Safety Code 101, 2000 edition. No changes have been made to the rule as a result of this comment.

19 CSR 30-85.022 Fire Safety and Emergency Preparedness Standards for New and Existing Intermediate Care and Skilled Nursing Facilities

(11) Sprinkler System.

(C) Facilities that have a sprinkler system installed prior to August 28, 2007, shall inspect, maintain, and test these systems in accordance with the requirements in effect for such facilities on August 27, 2007. I/II

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 86—Residential Care Facilities and Assisted Living Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073, 198.074, and 198.076, RSMo Supp. 2011, the department amends a rule as follows:

19 CSR 30-86.022 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2012 (37 MoReg 592–601). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received eighteen (18) comments on the proposed amendment during the public comment period.

COMMENT #1: Ron Thompson, Deputy Chief, Fire Inspection Unit-Missouri Division of Fire Safety, recommended adding the word “crawl spaces” to the definition of accessible spaces in subsection (1)(A).

RESPONSE: The department believes this would add a new requirement that has not been available for public review and/or comment. At this time, the department believes the current definition of accessible spaces is adequate. The department is willing to review this comment the next time this regulation set is open for review. No changes have been made to the rule as a result of this comment.

COMMENT #2: Ron Thompson recommended amending the language in the last sentence of subsection (3)(B) to replace the word “in” kitchen cooking areas with “located within thirty feet (30’) of” kitchen cooking areas.

RESPONSE: This subsection was not open for comment. The department concludes the current language is appropriate at this time. Subsection (3)(D) requires all fire extinguishers be installed and maintained in accordance with National Fire Protection Association (NFPA) 10, 1998 edition. No changes have been made to the rule as a result of this comment.

COMMENT #3: Thomas K. Riley, Riley & Dunlap, P.C., on behalf of Missouri Assisted Living Association, commented the phrase “to meet potential emergencies and disasters” in section (5) should either be defined or deleted and that the original language be retained. Furthermore, he commented that the proposed language eliminates the requirement for fire and evacuation plans; thereby making it unclear what these plans would be now.

RESPONSE: After careful study and deliberation, the department concludes the current language is appropriate at this time. The intent of the proposed language is for facilities to identify potential emergencies and disasters that could affect the need of the facility’s ability to provide services for its residents. This would include fire and evacuation planning. The department expects each facility to tailor emergency plans based on its geographic location. For example, if they are within close proximity to areas such as flood plains, seismic faults, dams, nuclear plants, major transportation routes and airports, or even companies that produce, store, transport, or use hazardous materials, we would expect to see an emergency plan. Other types of emergencies to consider are those that could or have occurred either within the facility or in that community are fires, utility outages, severe weather, tornadoes, transportation accidents, earthquakes, hurricanes, hazardous material spills, etc. No changes have been made to the rule as a result of this comment.

COMMENT #4: Thomas K. Riley expressed concern regarding whether the local emergency management director (EMD) would have the room to store all the facilities’ emergency plans. Therefore, the language in section (5) should be revised to only require a facility to “make available” the emergency plan. Lastly, facilities should be extended time to complete such emergency plans.

RESPONSE: After study and deliberation, the department concludes the current language is appropriate at this time. The department is not requiring the EMD to store the facilities’ emergency plans. For the past four (4) years the department has conducted annual surveys in which facilities were asked to provide information concerning the development and contents of their emergency plans. These reports and resources for emergency planning are posted on the department’s website. The department believes no additional time is necessary. No changes have been made to the rule as a result of this comment.

COMMENTS #5 & 6: Ron Thompson and Denise Clemonds questioned how would one verify that the local jurisdiction’s emergency

management director has an up-to-date copy of the facility's entire emergency plan as required for subsection (5)(A).

RESPONSE: The department will accept the following forms of documentation: in writing, certified mail, facsimile, or electronic media as methods to verify the communication between facilities and their local jurisdiction's emergency management director regarding the submission and receipt of the facility's emergency plan. No changes have been made to the rule as a result of this comment.

COMMENT #7: Ron Thompson recommended adding the words "self-closing device" after the words "smoke seals" in the first sentence of paragraph (7)(D)5.

RESPONSE: This particular paragraph was not opened for comment. The department believes this would add a new requirement that has not been available for public review and/or comment. The department is willing to review this comment the next time this regulation set is open for review. No changes have been made to the rule as a result of this comment.

COMMENT #8: Ron Thompson recommended amending the last sentence in subsection (7)(H) by adding the word "regularly" after the word "or."

RESPONSE: This subsection was not open for comment. The department believes this would add a new requirement that has not been available for public review and/or comment. The word "regularly" would require the department to specify a time period. No changes have been made to the rule as a result of this comment.

COMMENT #9: Ron Thompson recommended amending the language in the third sentence of subsection (9)(A) by adding the words "and seen" after the words ". . . audible alarms that can be heard . . ."

RESPONSE: The department believes this would add a new requirement that has not been available for public review and/or comment. Facilities are required to comply with NFPA 72, 1999 edition regarding visual signals and audible alarms. No changes have been made to the rule as a result of this comment.

COMMENT #10: Ron Thompson recommended amending the language in the fourth sentence of subsection (9)(A) to replace the words "at or near" with the words "within five feet (5') of."

RESPONSE: After study and deliberation, the department concludes the current language is appropriate at this time. This new recommendation also has not been available for public review and/or comment. Facilities are required to comply with NFPA 72, 1999 edition regarding placement of manual pulls. However, the department is willing to review this comment the next time this regulation set is open for review. No changes have been made to the rule as a result of this comment.

COMMENT #11: Thomas Riley commented the deleted language in subsection (9)(A) should be reinstated because it is evident the new requirements are applicable only to facilities that did not have complete fire alarm systems prior to August 28, 2007. Furthermore, by deleting subsection (9)(B) the required grandfather clause appears to be eliminated.

RESPONSE: Statute requires all facilities be equipped with a complete fire alarm system or maintain a system that was approved by the department when the facility was constructed so long as that system is a complete fire alarm system. Prior to August 28, 2007, approved complete fire alarms systems met the requirements of NFPA 72, with the exception of spacing of smoke detectors. The department addressed this difference in subparagraphs (9)(A)1.A. and (9)(A)2.A. to allow "grandfathering" of this requirement. No changes have been made to the rule as a result of these comments.

COMMENT #12: Denise Clemonds, Chief Executive Officer, LeadingAge Missouri, questioned whether subparagraph (9)(B)1.B.

should be amended to include the word "promptly" after the words "correct the fault."

RESPONSE: After study and deliberation, the department concludes the proposed language is appropriate at this time. Facilities are required to ensure the fire alarm system is operational at all times. The word "promptly" can be considered as a function of circumstances. For what is "prompt" in one situation may not be considered as such under other circumstances or conditions. No changes have been made to the rule as a result of this comment.

COMMENT #13: Denise Clemonds questioned the removal of the word "promptly" in subsection (9)(G) and if there was better wording like "take immediate steps to initiate repairs" and "assure repairs are completed as soon as practical."

RESPONSE: After study and deliberation, the department concludes the removal of the word "promptly" is appropriate at this time. Facilities are required to ensure the fire alarm system is operational at all times. The word "promptly" can be considered as a function of circumstances. For what is "prompt" in one situation may not be considered as such under other circumstances or conditions. No changes have been made to the rule as a result of this comment.

COMMENT #14: Ron Thompson questioned whether the language in the last line of subsection (11)(B) should read ". . . at the time of initial licensing . . ." rather than "licensed on or before August 27, 2007."

RESPONSE AND EXPLANATION OF CHANGE: After study and review of section 198.074.2, RSMo, the department concludes that the word "licensed" is an incorrect reference and should be removed.

COMMENT #15: Ron Thompson recommended revision of the proposed language for clarification in section (17).

RESPONSE AND EXPLANATION OF CHANGE: The department's intent for the proposed language is to ensure that oxygen tanks and cylinders utilized by long term care residents are properly stored. The department has revised the language to indicate the required need to properly store and secure oxygen tanks and cylinders.

COMMENT #16: Thomas Riley commented that the fiscal note is incorrect because it omits any reference to the cost of oxygen usage and storage and incorrectly calculates the other costs summarized.

RESPONSE: After review, the department has concluded the fiscal note is correct. The department's intent for the proposed language is to ensure, per regulatory requirement, that no section of a building shall present a fire hazard. When oxygen tanks and cylinders are not properly stored or secured, they can be subject to accidental damage and dislocation. No changes have been made to the rule as a result of this comment.

COMMENT #17: Denise Clemonds questioned what type of carpet classification is acceptable in a sprinkled building since that language in subsection (13)(C) is proposed for deletion.

RESPONSE: There are no interior floor finish requirements in smoke compartments that are protected throughout by an approved, supervised automatic sprinkler system. No changes have been made to the rule as a result of this comment.

COMMENT #18: Denise Clemonds recommended amending the language in subsection (13)(D) by replacing "curtains and drapes" with "window treatments" otherwise it would allow for untreated or non-flame resistant venetian blinds which can be just as hazardous as non-flame resistant curtains or drapes.

RESPONSE: The department believes this would add a new requirement that has not been available for public review and/or comment. The word "window treatment" is not clearly defined. It can be viewed as an item that goes on, in, around, or over a window. The department is willing to review this comment the next time this regulation set is open for review. No changes have been made to the

rule as a result of this comment.

19 CSR 30-86.022 Fire Safety and Emergency Preparedness Standards for Residential Care Facilities and Assisted Living Facilities

(11) Sprinkler Systems.

(B) Facilities that have a sprinkler system installed prior to August 28, 2007, shall inspect, maintain, and test these systems in accordance with the requirements that were in effect for such facilities on August 27, 2007. I/II

(17) Oxygen storage shall be in accordance with NFPA 99, 1999 Edition.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 88—Resident’s Rights and Handling Resident Funds and Property in Long-Term Care Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.090 and 198.009, RSMo 2000, the department amends a rule as follows:

19 CSR 30-88.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2012 (37 MoReg 602–604). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received six (6) comments on the proposed amendment during the public comment period.

COMMENT #1: Thomas K. Riley, Riley & Dunlap, P.C., on behalf of Missouri Assisted Living Association, commented that the proposed language in section (11) should be amended to reference a particular department with a contact phone number or email address.

RESPONSE AND EXPLANATION OF CHANGE: The department will amend the language to include the name of the specialized unit within MO HealthNet Division that handles the required information. Opening an administrative rule each time another agency/entity’s phone number, address, or email address changes is not expeditious since the rule promulgation process is lengthy.

COMMENT #2: Denise Clemonds, Chief Executive Officer, LeadingAge Missouri, questioned whether section (11) required a time frame the facility has to report to MO HealthNet.

RESPONSE: A time frame is not specified in section (11). Subsection (11)(A) will require the operator to provide a complete account of the deceased resident’s personal funds within sixty (60) days from the date of the resident’s death. Therefore, the operator has to make that initial contact with MO HealthNet before the sixty (60) days expires or face sanctions from Department of Social Services (DSS). No changes have been made to the rule as a result of this comment.

COMMENT #3: Thomas K. Riley requested a definition for the phrase “in accordance with DSS account balance report requirements” in subsection (11)(A).

RESPONSE AND EXPLANATION OF CHANGE: The department will amend the language in subsection (11)(A) to clarify what the

operator is required to submit to DSS and the time frame for submitting the information as per statutory language. It should be noted that the information contained in section (11) will require the operator to first contact DSS-MO HealthNet, Third Party Liability Unit to determine if the deceased resident was a recipient of aid/services or monies from DSS. The Third Party Liability Unit would then advise the operator what form is required to submit to DSS. No other changes have been made as a result of this comment.

COMMENT #4: Thomas K. Riley commented the language in subsection (11)(D) regarding DSS processing a special request for expedited handling within fifteen (15) working days should be added back into the rule.

RESPONSE: The department does not have the authority to regulate when DSS must process a special request for an expedited response. No changes have been made to the rule as a result of this comment.

COMMENT #5: Thomas K. Riley commented the new proposed language in section (12) allows facilities to be cited for a violation and face civil penalties for distributing a resident’s funds to his or her fiduciary even when it had no knowledge that a resident had received MO HealthNet benefits and MO HealthNet Division advised the facility the resident was not a MO HealthNet recipient.

RESPONSE: After careful study and deliberation, the department concludes the current proposed language is appropriate at this time. Section (11) is the first step an operator must make to confirm whether or not an individual was a recipient of aid/services or monies through DSS. The department will not issue citations as long as facilities fully comply with section (11) by providing veritable documentation of the contact and response with DSS. No changes have been made to the rule as a result of this comment.

COMMENT #6: Thomas K. Riley commented that violations of section (13) should continue to be classified as either a class II or class III.

RESPONSE: Statutory requirements for Class II standards have a direct or immediate relationship to the health, safety, or welfare of any resident. The department believes residents can be detrimentally affected when they are deprived of their property. No changes have been made to the rule as a result of this comment.

19 CSR 30-88.020 Residents’ Funds and Property

(11) Upon the death of a resident, the operator shall contact the Department of Social Services (DSS), MO HealthNet Division, Third Party Liability Unit, to determine if the deceased resident is a MO HealthNet participant or has been a recipient of aid, assistance, care, services, or if the resident has had moneys expended on his/her behalf by DSS. The facility shall document the contact(s) with and response(s) from DSS. II/III

(A) If the deceased resident is a MO HealthNet participant or has been a recipient of aid, assistance, care, services, or the resident has had moneys expended on his/her behalf by DSS, the operator shall provide DSS within sixty (60) days of the resident’s death, a complete account of all the resident’s remaining personal funds and the name and address of the resident’s designee, guardian and conservator, or conservator, fiduciary of the resident’s estate, or the individual who was designated to receive the quarterly accounting of all financial transactions made. Personal funds for the purpose of this regulation shall include all the resident’s remaining funds with the facility, in any account, with whatever title the account(s) may be known. II/III

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

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 16—Rest Areas**

STATEMENT OF ACTUAL COST

7 CSR 10-16.035 Commission Responsibilities and Requirements

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1175-1177). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was sixty-five thousand nine hundred sixty dollars (\$65,960) and at the end of the first full fiscal year the actual cumulative cost, over multiple fiscal years, to state agencies and political subdivisions was one hundred eighteen thousand five hundred thirty-four dollars (\$118,534).

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. In addition, this list includes contractor(s) that have agreed to placement on the list maintained by the Secretary of State pursuant to Section 290.330 as a part of the resolution of criminal charges of violating the Missouri Prevailing Wage Law. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State.

Contractors Convicted of Violations of the Missouri Prevailing Wage Law

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Rycoblake Corp. Case No. 0916-CR03145 (Jackson County Cir. Ct.)		4212 SE Saddlebrook Cir Lee's Summit, MO 64082	7/13/11	7/13/11 to 7/13/12

Contractors Agreeing to Placement on the Public Works Debarment List as Part of an Agreement Relating to Criminal Pleas

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Rycoblake Corp.		4212 SE Saddlebrook Cir Lee's Summit, MO 64082		7/13/11 to 12/1/12
Gerald Chevalier		4212 SE Saddlebrook Cir Lee's Summit, MO 64082		7/13/11 to 12/1/12

Dated this 2 day of August 2011.


Carla Buschfest, Director

**ADDITION TO STATUTORY LIST OF CONTRACTORS
BARRED FROM PUBLIC WORKS PROJECTS**

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Larry G. McElroy, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Larry G. McElroy including Blackhawk or (3) to any other simulation of Mr. Larry G. McElroy or of Blackhawk Electric for a period of one year, or until December 27, 2012.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Larry G. McElroy DBA Blackhawk Electric Case No. 11CG-CR01157 Cape Girardeau County Cir. Ct.		254 E. Lake Dr., PO Box 248 Cape Girardeau, MO 63701	12/27/2011	12/27/2011-12/27/2012

Dated this 26 day of January, 2012.



Carla Buschjost, Director

**ADDITION TO STATUTORY LIST OF CONTRACTORS
 BARRED FROM PUBLIC WORKS PROJECTS**

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Norman Bass, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Norman Bass including Municipal Construction Incorporated or (3) to any other simulation of Mr. Norman Bass or of Municipal Construction Incorporated for a period of one year, or until February 1, 2013.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Norman Bass DBA Municipal Construction Incorporated Case No. 12SO-CR00103 Scott County Cir. Ct.		10150 Hawthorne Ridge Goodrich, MI 48438	2/01/12	2/01/2012-2/01/2013

Dated this 17 day of February, 2012.


 Carla Buschjost, Director

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

**Notice of Winding Up of Limited Liability Company
To All Creditors of and
Claimants Against
ADVANTAGE CONTROL ENGINEERING, LLC**

On August 9, 2012, ADVANTAGE CONTROL ENGINEERING, LLC, a Missouri limited liability company, filed its Articles of Termination and Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on July 31, 2012.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company at:

ADVANTAGE CONTROL ENGINEERING, LLC
Attn: Gerald Miller
45 Empire Drive, Suite A
Belleville, IL 62220

With a copy to: Sandberg Phoenix & von Gontard, P.C.
Attn: Lorraine Cavataio, Esq.
600 Washington Avenue, 15th Floor
St. Louis, MO 63101
(314) 231-3332

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

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

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against Professional Hotel Management, L.L.C., a Missouri Limited Liability Company.

On July 23, 2012, Professional Hotel Management, L.L.C., a Missouri Limited Liability Company, Charter Number LC0040548, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company at 245 S. Wildwood Drive, Branson, MO 65616.

All claims must include the following information:

1. Name and address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

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

**NOTICE OF CORPORATE DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
www.dirtcheapcig.com, Inc.**

On July 17, 2012, www.dirtcheapcig.com, Inc., a Missouri Corporation, filed its Articles of Dissolution with the Missouri Secretary of State.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to: Craig P. Taylor, 895 Bolger Court, Fenton, Missouri 63026.

Each claim must include: the name and address of the claimant; the amount claimed; the basis for the claim; the date(s) on which the event(s) on which the claim was based occurred; and whether the corporation has been previously notified of the claim, and, if so, when.

NOTICE: Because of the dissolution of www.dirtcheapcig.com, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the notices authorized by statute, whichever is published last.

www.dirtcheapcig.com, Inc.

By: Craig P. Taylor, President

Rule Changes Since Update to Code of State Regulations

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

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				35 MoReg 1815
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.020	Animal Health		37 MoReg 907		
2 CSR 70-10.025	Plant Industries		37 MoReg 1141		
2 CSR 70-10.075	Plant Industries		37 MoReg 1141		
2 CSR 70-25.065	Plant Industries		37 MoReg 571	37 MoReg 1186	
2 CSR 70-30.110	Plant Industries		37 MoReg 571	37 MoReg 1186	
2 CSR 70-30.115	Plant Industries		37 MoReg 572	37 MoReg 1186	
2 CSR 80-1.010	State Milk Board		37 MoReg 573	37 MoReg 1186	
2 CSR 80-2.020	State Milk Board		37 MoReg 573	37 MoReg 1186	
2 CSR 80-2.030	State Milk Board		37 MoReg 573	37 MoReg 1187	
2 CSR 80-2.040	State Milk Board		37 MoReg 574	37 MoReg 1187	
2 CSR 80-2.050	State Milk Board		37 MoReg 574	37 MoReg 1187	
2 CSR 80-2.060	State Milk Board		37 MoReg 575	37 MoReg 1187	
2 CSR 80-2.070	State Milk Board		37 MoReg 575	37 MoReg 1187	
2 CSR 80-2.080	State Milk Board		37 MoReg 577	37 MoReg 1187	
2 CSR 80-2.091	State Milk Board		37 MoReg 577	37 MoReg 1188	
2 CSR 80-2.101	State Milk Board		37 MoReg 578	37 MoReg 1188	
2 CSR 80-2.110	State Milk Board		37 MoReg 578	37 MoReg 1188	
2 CSR 80-2.121	State Milk Board		37 MoReg 578	37 MoReg 1188	
2 CSR 80-2.130	State Milk Board		37 MoReg 579	37 MoReg 1188	
2 CSR 80-2.141	State Milk Board		37 MoReg 579	37 MoReg 1188	
2 CSR 80-2.151	State Milk Board		37 MoReg 580	37 MoReg 1189	
2 CSR 80-2.161	State Milk Board		37 MoReg 580	37 MoReg 1189	
2 CSR 80-2.170	State Milk Board		37 MoReg 581	37 MoReg 1189	
2 CSR 80-2.180	State Milk Board		37 MoReg 581	37 MoReg 1189	
2 CSR 80-3.010	State Milk Board		37 MoReg 1296		
2 CSR 80-3.020	State Milk Board		37 MoReg 1296		
2 CSR 80-3.030	State Milk Board		37 MoReg 1297		
2 CSR 80-3.040	State Milk Board		37 MoReg 1297		
2 CSR 80-3.050	State Milk Board		37 MoReg 1297		
2 CSR 80-3.060	State Milk Board		37 MoReg 1298		
2 CSR 80-3.070	State Milk Board		37 MoReg 1298		
2 CSR 80-3.080	State Milk Board		37 MoReg 1300		
2 CSR 80-3.090	State Milk Board		37 MoReg 1300		
2 CSR 80-3.100	State Milk Board		37 MoReg 1301		
2 CSR 80-3.110	State Milk Board		37 MoReg 1301		
2 CSR 80-3.120	State Milk Board		37 MoReg 1301		
2 CSR 80-3.130	State Milk Board		37 MoReg 1302		
2 CSR 80-4.010	State Milk Board		37 MoReg 581	37 MoReg 1189	
2 CSR 80-5.010	State Milk Board		37 MoReg 1089		
2 CSR 80-6.011	State Milk Board		37 MoReg 1302		
2 CSR 80-6.021	State Milk Board		37 MoReg 1303		
2 CSR 80-6.041	State Milk Board		37 MoReg 1303		
2 CSR 90-10	Weights and Measures				37 MoReg 1197
2 CSR 90-10.001	Weights and Measures		37 MoReg 1143		
2 CSR 90-10.011	Weights and Measures		37 MoReg 1143		
2 CSR 90-10.012	Weights and Measures		37 MoReg 1144		
2 CSR 90-10.013	Weights and Measures		37 MoReg 1144		
2 CSR 90-10.014	Weights and Measures		37 MoReg 1145		
2 CSR 90-10.020	Weights and Measures		37 MoReg 1148		
2 CSR 90-10.040	Weights and Measures		37 MoReg 1148		
2 CSR 90-10.090	Weights and Measures		37 MoReg 1148		
2 CSR 90-10.120	Weights and Measures		37 MoReg 1149		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.110	Conservation Commission		37 MoReg 1005	This Issue	
3 CSR 10-5.222	Conservation Commission		37 MoReg 1005	This Issue	
3 CSR 10-7.431	Conservation Commission		37 MoReg 1006	This Issue	
3 CSR 10-7.433	Conservation Commission		37 MoReg 1149		
3 CSR 10-7.440	Conservation Commission		N.A.	37 MoReg 1189	
3 CSR 10-7.455	Conservation Commission		37 MoReg 1006	This Issue	37 MoReg 118
3 CSR 10-8.510	Conservation Commission		This Issue		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 240-31.010	Public Service Commission	37 MoReg 1003	37 MoReg 1007		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.200	Division of Learning Services		37 MoReg 507	37 MoReg 1190	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 20-400.150	Division of Learning Services		37 MoReg 509	37 MoReg 1359	
5 CSR 20-400.160	Division of Learning Services		37 MoReg 509	37 MoReg 1359	
5 CSR 20-400.170	Division of Learning Services		37 MoReg 510	37 MoReg 1359	
5 CSR 20-400.180	Division of Learning Services		37 MoReg 510	37 MoReg 1359	
5 CSR 20-400.190	Division of Learning Services		37 MoReg 511	37 MoReg 1360	
5 CSR 20-400.200	Division of Learning Services		37 MoReg 511	37 MoReg 1360	
5 CSR 20-400.250	Division of Learning Services		37 MoReg 511	37 MoReg 1360	
5 CSR 20-400.260	Division of Learning Services		37 MoReg 512	37 MoReg 1360	
5 CSR 20-400.280	Division of Learning Services		37 MoReg 512	37 MoReg 1360	
5 CSR 20-500.330	Division of Learning Services		37 MoReg 908		
5 CSR 30-261.025	Division of Financial and Administrative Services		37 MoReg 912		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-16.035	Missouri Highways and Transportation Commission				This Issue
7 CSR 10-25.010	Missouri Highways and Transportation Commission				37 MoReg 1367
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.010	Division of Employment Security		37 MoReg 679	37 MoReg 1247	
8 CSR 30-3.060	Division of Labor Standards		This Issue		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 45-2.010	Division of Mental Retardation and Developmental Disabilities		37 MoReg 337	37 MoReg 1190	
9 CSR 45-2.015	Division of Mental Retardation and Developmental Disabilities		37 MoReg 352	37 MoReg 1190	
9 CSR 45-2.017	Division of Mental Retardation and Developmental Disabilities		37 MoReg 355	37 MoReg 1190	
9 CSR 45-2.020	Division of Mental Retardation and Developmental Disabilities		37 MoReg 377	37 MoReg 1191	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-5.381	Air Conservation Commission		37 MoReg 955		
10 CSR 10-6.020	Air Conservation Commission		37 MoReg 1222		
10 CSR 10-6.060	Air Conservation Commission		37 MoReg 379	37 MoReg 1191	
10 CSR 10-6.065	Air Conservation Commission		37 MoReg 383	37 MoReg 1192	
10 CSR 10-6.070	Air Conservation Commission		37 MoReg 966		
10 CSR 10-6.075	Air Conservation Commission		37 MoReg 968		
10 CSR 10-6.080	Air Conservation Commission		37 MoReg 971		
10 CSR 10-6.260	Air Conservation Commission		37 MoReg 388	37 MoReg 1192	
10 CSR 10-6.410	Air Conservation Commission		37 MoReg 392	37 MoReg 1195	
10 CSR 20-6.100	Clean Water Commission		36 MoReg 2906R 36 MoReg 2906 37 MoReg 393R 37 MoReg 394	This IssueR This Issue	
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		This Issue		
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		This Issue		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		This Issue		
10 CSR 140-2	Division of Energy				37 MoReg 1062
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 45-5.181	Missouri Gaming Commission		37 MoReg 679		
11 CSR 45-9.020	Missouri Gaming Commission		37 MoReg 912		
11 CSR 45-9.114	Missouri Gaming Commission		37 MoReg 680		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 40-2.395	Family Support Division		37 MoReg 517	37 MoReg 1361	
13 CSR 40-2.400	Family Support Division		37 MoReg 1149		
13 CSR 40-2.410	Family Support Division		37 MoReg 1150		
13 CSR 40-2.420	Family Support Division		37 MoReg 1154		
13 CSR 40-2.430	Family Support Division		37 MoReg 1157		
13 CSR 40-2.440	Family Support Division		37 MoReg 1159		
13 CSR 40-2.450	Family Support Division		37 MoReg 1163		
13 CSR 70-10.016	MO HealthNet Division		37 MoReg 1164		
13 CSR 70-10.110	MO HealthNet Division	37 MoReg 1131	37 MoReg 1167		
13 CSR 70-15.010	MO HealthNet Division	37 MoReg 1131	37 MoReg 1172		
13 CSR 70-15.110	MO HealthNet Division	37 MoReg 1132	37 MoReg 1174		
13 CSR 70-15.160	MO HealthNet Division	37 MoReg 1134	37 MoReg 1178		
13 CSR 70-15.220	MO HealthNet Division	37 MoReg 1135	37 MoReg 681	37 MoReg 1365	
ELECTED OFFICIALS					
15 CSR 30-51.100	Secretary of State		37 MoReg 912	This Issue	
15 CSR 30-51.180	Secretary of State		37 MoReg 913	This Issue	
15 CSR 50-4.030	Treasurer	37 MoReg 731	37 MoReg 733	This Issue	
15 CSR 60-13.060	Attorney General		37 MoReg 1008		
RETIREMENT SYSTEMS					
16 CSR 10-3.020	The Public School Retirement System of Missouri		37 MoReg 914	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
16 CSR 10-4.012	The Public School Retirement System of Missouri		37 MoReg 1181		
16 CSR 10-5.010	The Public School Retirement System of Missouri		37 MoReg 1181		
16 CSR 10-6.030	The Public School Retirement System of Missouri		37 MoReg 915	This Issue	
16 CSR 10-6.045	The Public School Retirement System of Missouri		37 MoReg 1181		
16 CSR 10-6.060	The Public School Retirement System of Missouri		37 MoReg 1182		
16 CSR 20-2.083	Missouri Local Government Employees' Retirement System (LAGERS)		37 MoReg 915R	This IssueR	
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.015	St. Louis Board of Police Commissioners		37 MoReg 915	This Issue	
17 CSR 20-2.025	St. Louis Board of Police Commissioners		37 MoReg 916	This Issue	
17 CSR 20-2.035	St. Louis Board of Police Commissioners		37 MoReg 916	This Issue	
17 CSR 20-2.055	St. Louis Board of Police Commissioners		37 MoReg 917	This Issue	
17 CSR 20-2.065	St. Louis Board of Police Commissioners		37 MoReg 918	This Issue	
17 CSR 20-2.085	St. Louis Board of Police Commissioners		37 MoReg 918	This Issue	
17 CSR 20-2.105	St. Louis Board of Police Commissioners		37 MoReg 919	This Issue	
17 CSR 20-2.125	St. Louis Board of Police Commissioners		37 MoReg 920	This Issue	
17 CSR 20-3.015	St. Louis Board of Police Commissioners		37 MoReg 921	This Issue	
17 CSR 20-3.025	St. Louis Board of Police Commissioners		37 MoReg 922	This Issue	
17 CSR 20-3.055	St. Louis Board of Police Commissioners		37 MoReg 922	This Issue	
17 CSR 20-3.085	St. Louis Board of Police Commissioners		37 MoReg 923	This Issue	
17 CSR 20-3.105	St. Louis Board of Police Commissioners		37 MoReg 923	This Issue	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 20-26.030	Division of Community and Public Health		37 MoReg 519R	37 MoReg 1366R	
19 CSR 20-26.040	Division of Community and Public Health		37 MoReg 519	37 MoReg 1366	
19 CSR 25-30.011	State Public Health Laboratory		37 MoReg 1009		
19 CSR 25-30.021	State Public Health Laboratory		37 MoReg 1010		
19 CSR 25-30.031	State Public Health Laboratory		37 MoReg 1015		
19 CSR 25-30.041	State Public Health Laboratory		37 MoReg 1024		
19 CSR 25-30.050	State Public Health Laboratory		37 MoReg 1027		
19 CSR 25-30.051	State Public Health Laboratory		37 MoReg 1027		
19 CSR 25-30.060	State Public Health Laboratory		37 MoReg 1030		
19 CSR 25-30.070	State Public Health Laboratory		37 MoReg 1040		
19 CSR 25-30.080	State Public Health Laboratory		37 MoReg 1040		
19 CSR 30-40.365	Division of Regulation and Licensure		37 MoReg 523	37 MoReg 1247	
19 CSR 30-81.015	Division of Regulation and Licensure		37 MoReg 523R	37 MoReg 1247R	
19 CSR 30-84.030	Division of Regulation and Licensure		37 MoReg 684		
19 CSR 30-85.022	Division of Regulation and Licensure		37 MoReg 585	This Issue	
19 CSR 30-86.022	Division of Regulation and Licensure		37 MoReg 592	This Issue	
19 CSR 30-86.043	Division of Regulation and Licensure		37 MoReg 524	37 MoReg 1248	
19 CSR 30-86.047	Division of Regulation and Licensure		37 MoReg 525	37 MoReg 1249	
19 CSR 30-88.020	Division of Regulation and Licensure		37 MoReg 602	This Issue	
19 CSR 60-50	Missouri Health Facilities Review Committee				37 MoReg 1368
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Applied Behavior Analysis Maximum Benefit				37 MoReg 472
20 CSR	Construction Claims Binding Arbitration Cap				36 MoReg 192
					37 MoReg 62
20 CSR	Sovereign Immunity Limits				37 MoReg 62
20 CSR	State Legal Expense Fund Cap				36 MoReg 192
					37 MoReg 62
20 CSR 1100-2.020	Division of Credit Unions		37 MoReg 971		
20 CSR 1100-2.030	Division of Credit Unions		37 MoReg 972		
20 CSR 1100-2.070	Division of Credit Unions		37 MoReg 972		
20 CSR 1100-2.085	Division of Credit Unions		37 MoReg 972		
20 CSR 1100-2.090	Division of Credit Unions		37 MoReg 973		
20 CSR 1100-2.100	Division of Credit Unions		37 MoReg 973		
20 CSR 1100-2.170	Division of Credit Unions		37 MoReg 973		
20 CSR 2010-2.005	Missouri State Board of Accountancy		This Issue		
20 CSR 2010-2.061	Missouri State Board of Accountancy		37 MoReg 1304		
20 CSR 2010-3.010	Missouri State Board of Accountancy		This Issue		
20 CSR 2010-3.060	Missouri State Board of Accountancy		This Issue		
20 CSR 2010-4.010	Missouri State Board of Accountancy		37 MoReg 1307		
20 CSR 2010-5.070	Missouri State Board of Accountancy		This Issue		
20 CSR 2030-4.055	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		37 MoReg 1307		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		37 MoReg 1312		
20 CSR 2030-II.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		37 MoReg 1316		
20 CSR 2110-2.010	Missouri Dental Board		37 MoReg 604	37 MoReg 1195	
20 CSR 2110-2.030	Missouri Dental Board		37 MoReg 604	37 MoReg 1196	
20 CSR 2110-2.050	Missouri Dental Board		37 MoReg 605	37 MoReg 1196	
20 CSR 2110-2.070	Missouri Dental Board		37 MoReg 605	37 MoReg 1196	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2110-2.120	Missouri Dental Board		37 MoReg 1318R		
			37 MoReg 1318		
20 CSR 2110-2.130	Missouri Dental Board		37 MoReg 1325		
20 CSR 2110-2.170	Missouri Dental Board	37 MoReg 1291	37 MoReg 1331		
20 CSR 2110-4.010	Missouri Dental Board		37 MoReg 1336R		
			37 MoReg 1336		
20 CSR 2110-4.020	Missouri Dental Board		37 MoReg 1338R		
			37 MoReg 1338		
20 CSR 2110-4.030	Missouri Dental Board		37 MoReg 1346		
20 CSR 2110-4.040	Missouri Dental Board		37 MoReg 1349		
20 CSR 2150-2.170	State Board of Registration for the Healing Arts		This Issue		
20 CSR 2197-1.040	Board of Therapeutic Massage		37 MoReg 1089		
20 CSR 2205-1.050	Missouri Board of Occupational Therapy		37 MoReg 1182		
20 CSR 2220-2.013	State Board of Pharmacy		37 MoReg 974		
20 CSR 2220-4.010	State Board of Pharmacy	37 MoReg 1221	37 MoReg 1244		
20 CSR 2231-1.010	Division of Professional Registration		37 MoReg 1357		
20 CSR 2231-2.010	Division of Professional Registration		37 MoReg 1357		
20 CSR 2250-2.040	Missouri Real Estate Commission		37 MoReg 1358		

Emergency Rule Table

Agency	Publication	Effective	Expiration
Department of Economic Development			
Public Service Commission			
4 CSR 240-31.010	Definitions . . . . .	.37 MoReg 1003	June 1, 2012Feb. 28, 2013
Department of Public Safety			
Missouri State Highway Patrol			
11 CSR 50-3.100	Nonresident Temporary Boater Identification Certificate	Next Issue	Sept. 14, 2012March 12, 2013
Department of Social Services			
MO HealthNet Division			
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance . . . . .	.37 MoReg 1131	July 1, 2012Dec. 28, 2012
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	.37 MoReg 1131	July 1, 2012Dec. 28, 2012
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	.37 MoReg 1132	July 1, 2012Dec. 28, 2012
13 CSR 70-15.160	Prospective Outpatient Hospital Services Reimbursement Methodology . . . . .	.37 MoReg 1134	July 1, 2012Dec. 28, 2012
13 CSR 70-15.220	Disproportionate Share Hospital Payments . . . . .	.37 MoReg 1135	July 1, 2012Dec. 28, 2012
Elected Officials			
Treasurer			
15 CSR 50-4.030	Missouri MOST 529 Matching Grant Program . . . . .	.37 MoReg 731	April 15, 2012Jan. 23, 2013
Department of Insurance, Financial Institutions and Professional Registration			
Missouri Dental Board			
20 CSR 2110-2.170	Fees . . . . .	.37 MoReg 1291	Aug. 5, 2012Feb. 28, 2013
State Board of Pharmacy			
20 CSR 2220-4.010	General Fees . . . . .	.37 MoReg 1221	July 31, 2012Feb. 28, 2013

Executive Orders	Subject Matter	Filed Date	Publication
2012			
12-08	Authorizes the State Soil and Water Districts Commission to implement an emergency cost-share program to address water challenges to landowners engaged in livestock or crop production due to the current drought. Additionally, it establishes the Agriculture Water Resource Technical Review Team.	July 23, 2012	37 MoReg 1294
12-07	Declares a state of emergency, directs the Missouri State Emergency Operations Plan be activated, and extends Executive Order 12-06 to Oct. 1, 2012, in response to the severe heat, dry conditions, and fire risks affecting the state.	July 23, 2012	37 MoReg 1292
12-06	Activates the Missouri State Emergency Operations Center and directs the State Emergency Management Agency, State Fire Marshall, Adjutant General, and such other agencies to coordinate with local authorities affected by fire danger due to the prolonged period of record heat and low precipitation	June 29, 2012	37 MoReg 1139
12-05	Extends Executive Orders 11-06, 12-03, 11-07, 11-11, 11-14, and 12-04 until June 1, 2012	March 13, 2012	37 MoReg 569
12-04	Activates the state militia in response to severe weather that began on February 28, 2012	Feb. 29, 2012	37 MoReg 503
12-03	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to the severe weather that began on February 28, 2012	Feb. 29, 2012	37 MoReg 501
12-02	Orders the transfer of all authority, powers, and duties of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Dept. of Health and Senior Services and the Dept. of Mental Health to the Dept. of Social Services effective Aug. 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly	Jan. 23, 2012	37 MoReg 313
12-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 23, 2012	37 MoReg 311
2011			
11-25	Extends the declaration of emergency contained in Executive Order 11-06 (and extended by Executive Orders 11-09, 11-19, and 11-23) until March 15, 2012, unless extended in whole or part by subsequent order. Further Executive Orders 11-07, 11-11, and 11-14 are extended until March 15, 2012, unless extended in whole or part by subsequent order	Dec. 14, 2011	37 MoReg 95
11-24	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Nov. 18, 2011	37 MoReg 5
11-23	Extends Executive Order 11-20 until October 15, 2011, and extends Executive Orders 11-06, 11-07, 11-08, 11-11, 11-14, and 11-18 until December 18, 2011	Sept. 13, 2011	36 MoReg 2157
11-22	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	July 26, 2011	36 MoReg 1979
11-21	Authorizes the Joplin Public School system to immediately begin to retrofit, equip, and furnish various buildings to house students during the 2011-2012 school year without requiring advertisements for bids	June 17, 2011	36 MoReg 1800
11-20	Extends certain terms of Executive Order 11-12 to help Missouri citizens impacted by the Joplin tornado of April 22, 2011	June 17, 2011	36 MoReg 1798
11-19	Extends certain terms of Executive Orders 11-06, 11-07, 11-08, 11-10, 11-11, 11-13, 11-14, 11-15, 11-16, and 11-18 until September 15, 2011	June 17, 2011	36 MoReg 1796
11-18	Activates the state militia in response to flooding events occurring and threatening along the Missouri River	June 8, 2011	36 MoReg 1739
11-17	Establishes the State of Missouri Resource, Recovery & Rebuilding Center in the City of Joplin in response to a tornado that struck there on May 22, 2011	June 7, 2011	36 MoReg 1737
11-16	Authorizes the Joplin Public Schools to immediately begin to retrofit and furnish warehouse and retail structures to house district programs displaced by the tornado and severe storms on May 22, 2011, without requiring advertisements for bids	June 3, 2011	36 MoReg 1735

Executive Orders	Subject Matter	Filed Date	Publication
11-15	Authorizes the Joplin Public School system to immediately rebuild, restore, and/or renovate Emerson Elementary, Kelsey Norman Elementary, Old South Middle School, and Washington Education Center without requiring advertisement for bids	June 1, 2011	36 MoReg 1594
11-14	Activates the state militia in response to a tornado that hit the City of Joplin on May 22, 2011	May 26, 2011	36 MoReg 1592
11-13	Authorizes the Joplin Public Schools system to immediately begin rebuilding and replacing the materials for three of its buildings that were destroyed in a tornado that struck on May 22, 2011, without requiring advertisement for bids	May 26, 2011	36 MoReg 1590
11-12	Orders the director of the Department of Insurance, Financial Institutions and Professional Registration to temporarily waive, suspend, and/or modify any statute or regulation under his purview in order to best serve the interests of those citizens affected by the tornado that hit the city of Joplin on May 22, 2011	May 26, 2011	36 MoReg 1587
11-11	Orders the director of revenue to issue duplicate or replacement license, nondriver license, certificate of motor vehicle ownership, number plate, or tabs lost or destroyed as a result of the tornado that hit the city of Joplin and to waive all state fees and charges for such duplicate or replacement	May 26, 2011	36 MoReg 1585
11-10	Orders the Missouri Department of Health and Senior Services and the State Board of Pharmacy to temporarily waive certain rules and regulations to allow medical practitioners and pharmacists responding to the tornado and severe storms in Joplin to best serve the interests of public health and safety	May 24, 2011	36 MoReg 1583
11-09	Extends Executive Orders 11-06, 11-07, and 11-08 through June 20, 2011	May 20, 2011	36 MoReg 1581
11-08	Activates the state militia in response to severe weather that began on April 22	April 25, 2011	36 MoReg 1449
11-07	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on April 22	April 25, 2011	36 MoReg 1447
11-06	Declares a state of emergency for the state of Missouri and activates the Missouri State Emergency Operations Plan due to severe weather that began on April 22	April 22, 2011	36 MoReg 1445
11-05	Orders the Missouri Department of Transportation to assist local jurisdictions in counties that: 1) received record snowfalls; and 2) continuing snow clearance exceeds their capabilities	Feb. 4, 2011	36 MoReg 883
11-04	Activates the state militia in response to severe weather that began on January 31, 2011	Jan. 31, 2011	36 MoReg 881
11-03	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	Jan. 31, 2011	36 MoReg 879
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11-01	Gives the Director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe winter weather that began on December 30	Jan. 4, 2011	36 MoReg 705

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With SB 469 and HB 1135 having gone into effect on August 28, 2012, agencies may now file a request with the Joint Committee on Administrative Rules and the secretary of state concurrently to make non-substantive changes to rules in the *Code of State Regulations*. Non-substantive changes include changes in department or division name in response to statutory changes or executive orders, or changes in state agency address, state agency telephone numbers, email addresses, or state agency website addresses.

A form for Non-Substantive Changes may be found online at <http://www.sos.mo.gov/adrules/forms.asp>. Also available on the same page are other forms of the Administrative Rules Division of the Office of the Secretary of State including a new revised transmittal form.