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SALUS POPULI SUPREMA LEX ESTO

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



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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

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Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
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HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2012.

EXECUTIVE ORDER

13-10

WHEREAS, I have been advised that on-going and forecast severe storm systems have caused, or have the potential to cause, damage associated with tornadoes, high winds, hail, heavy rain and flooding impacting communities throughout the State of Missouri; and

WHEREAS, the severe weather that began on May 29, 2013, and is continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, the State of Missouri will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

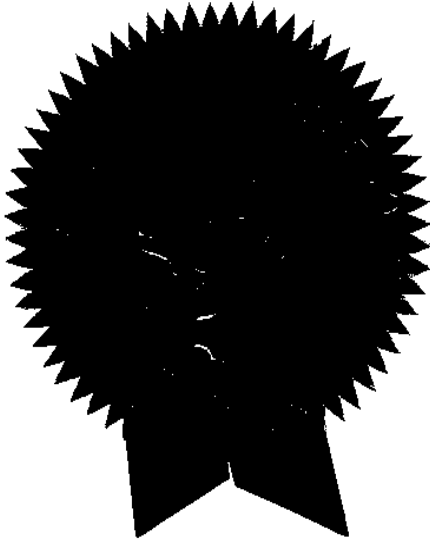
WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

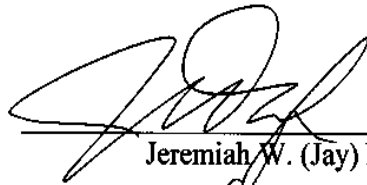
NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

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

This order shall terminate on July 1, 2013, unless extended in whole or in part.

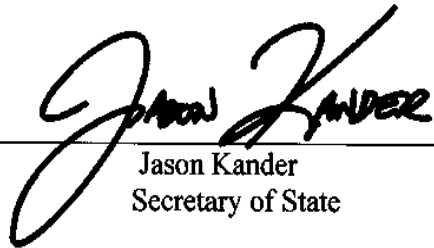


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 31st day of May, 2013.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Jason Kander
Secretary of State

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

Entirely new rules are printed without any special symbolology under the heading of 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 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

PROPOSED AMENDMENT

2 CSR 90-30.040 Quality Standards for Motor Fuels. The director is amending subsections (1)(B) and (1)(C).

PURPOSE: *This amendment allows E15 (gasoline with fifteen percent (15%) ethanol) at retail by removing the ten percent (10%) maximum limit of ethanol in gasoline, and provides vapor pressure relief for gasoline containing one percent (1%) or more ethanol during winter months (until May 1, 2016, or when ASTM International provides relief, whichever occurs earlier) consistent with National Institute of Standards and Technology Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality.*

(1) Regulation Regarding Quality of Motor Fuels. The following fuels when sold, offered for sale, or when used in this state shall meet the following requirements:

(B) All automotive gasoline shall meet the requirements set in *[the Annual Book of ASTM Standards, Designation: D 4814-88a]* **ASTM D4814**;

(C) All automotive gasoline containing oxygenated additives shall meet the requirements set in *[the Annual Book of ASTM Standards, Designation: D 4814-88a]* **ASTM D4814** and the following requirements:

[1. The total alcohol content shall not exceed ten (10) volume percent;

2. The oxygen content shall not exceed three and seven-tenths percent (3.7%) by weight;]

[3.]1. When methanol is blended in quantities greater than three-tenths (0.3) volume percent, the finished blend shall contain at least an equal amount of butanol or higher molecular weight alcohol; and

[4.]2. When gasoline [is blended with] contains nine percent (9%) to ten percent (10%) [denatured] ethanol, a vapor pressure tolerance not exceeding one (1) pound per square inch [may be] is allowed from June 1 through September 15 [and the fifty percent (50%) evaporated distillation temperature shall not be less than one hundred fifty-eight degrees Fahrenheit (158°F) (seventy degrees Celsius (70°C)];

3. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one pound per square inch (1.0 psi) vapor pressure tolerance is allowed for volatility classes A, B, C, and D from September 16 through May 31;

4. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one-half pound per square inch (0.5 psi) vapor pressure tolerance is allowed for volatility class E from September 16 through May 31; and

5. The vapor pressure exceptions in paragraphs (1)(6)2., 3., and 4. of this rule will remain in effect until May 1, 2016, or until ASTM incorporates changes to the vapor pressure maximums for ethanol blends, whichever occurs earlier.

AUTHORITY: section 414.142, RSMo 2000. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. Amended: Filed April 2, 1990, effective June 28, 1990. Emergency amendment filed Aug. 30, 2002, effective Sept. 10, 2002, expired March 9, 2003. Amended: Filed Aug. 30, 2002, effective Feb. 28, 2003. Amended: Filed May 31, 2013.

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 Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, PO Box 630, Jefferson City, MO 65102. Hand carried copies may be delivered to the Missouri Department of Agriculture Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, 1616 Missouri Blvd, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals**

PROPOSED AMENDMENT

8 CSR 10-5.010 Appeals to an Appeals Tribunal. The division is proposing to amend section (4), add new subsections (5)(B) and (5)(C), reletter subsequent subsections, and amend new subsection (5)(G).

PURPOSE: This amendment amends the rules regarding the filing of unemployment insurance appeals to an Appeals Tribunal to permit the filing of appeals by Internet and to require appeals of fraudulent and non-fraudulent benefit overpayment determinations to be filed within thirty- (30-) calendar days of the date the determinations or redeterminations were delivered in person or mailed to the appellant's last known address.

(4) Appeals to benefit or tax-related matters and petitions for reassessment may be filed [by mail or facsimile transmission directed to the address set forth on the determination or petition. All appeals and petitions for reassessment must be signed by the appellant/petitioner or designated representative.] in one (1) of the following ways:

(A) By mail to the address specified on the determination or assessment;

(B) By facsimile transmission to the facsimile number specified on the determination or assessment; or

(C) By the Internet at a site or address specified on the determination or assessment.

(5) Time Limit for Appeal.

(A) An appeal to a determination or redetermination under section 288.070.6, RSMo, shall be filed within thirty- (30-) calendar days of the date the determination or redetermination was delivered in person or mailed to the appellant's last known address.

(B) An appeal to a fraudulent benefit overpayment and penalty determination or redetermination under section 288.380.9, RSMo, shall be filed within thirty- (30-) calendar days of the date the determination or redetermination was delivered in person or mailed to the appellant's last known address.

(C) An appeal to a non-fraudulent benefit overpayment determination or redetermination under section 288.380.13, RSMo, shall be filed within thirty- (30-) calendar days of the date the determination or redetermination was delivered in person or mailed to the appellant's last known address.

[(B)](D) An appeal to an *ex parte* determination or redetermination under section 288.130.4, RSMo, shall be filed within thirty- (30-) calendar days of the date of the mailing of the determination or redetermination to the party's last known address or, in the absence of mailing, the date of personal service to the party.

[(C)](E) A petition for reassessment shall be filed within thirty (30) days of the date the assessment was mailed to the petitioner in accordance with section 288.160, RSMo, or, in the absence of mailing, the date of personal service to the petitioner.

[(D)](F) An appeal or petition for reassessment shall be deemed to have been filed as of the date endorsed by the United States Post Office. In the absence of an endorsement by the United States Post Office, the appeal or petition for reassessment shall be deemed to have been filed on the date received by the division.

[(E)](G) [Fax] Internet and facsimile transmissions of appeals and petitions for reassessment that are received on a regular workday will be considered as filed on the date of receipt. [A fax] An Internet or facsimile transmission received on a Saturday, Sunday, or legal holiday will be considered filed on the next regular division workday. Date and time of receipt will be determined by the divi-

sion's computer system or receiving fax machine. Persons filing by [fax] Internet or facsimile transmission must retain [the] any confirmation or receipt of transmission with the original document for reference by the hearing officer if so requested.

[(F)](H) In computing any period of time prescribed or allowed by these rules, the date of the issuance of a determination, redetermination, assessment, order, or decision shall not be counted. The last day of the period shall be counted unless it is a Saturday, Sunday, or legal holiday; in which event, the period shall run until the end of the next day that is not a Saturday, Sunday, or legal holiday. For the purpose of these rules and Chapter 288, RSMo, legal holiday means—

1. Those dates designated public holidays by Chapter 9, RSMo; and

2. Any other day designated a public or legal holiday by the governor.

AUTHORITY: section 288.190, RSMo Supp. [2010] 2012, and section 288.220.5, RSMo 2000. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. For intervening history, please consult the Code of State Regulations. Amended: Filed May 30, 2013.

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 Employment Security; Attn: Ken Jacob, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 3—Air Pollution Control Rules Specific to the
Outstate Missouri Area**

PROPOSED RESCISSION

10 CSR 10-3.010 Auto Exhaust Emission Controls. This rule was intended to control emissions from all vehicles subject to required vehicle safety inspections in areas outside of the Kansas City, Springfield, and St. Louis metropolitan areas. If the commission adopts this rule action, it will be the department's intention to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule was intended to control emissions from all vehicles subject to required vehicle safety inspections in areas outside of the Kansas City, Springfield, and St. Louis metropolitan areas. This rule rescission is an administrative clean-up of an outdated state air rule that is no longer necessary. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is the public hearing testimony for this rulemaking.

AUTHORITY: section 643.050, RSMo Supp. 1992. Original rule filed

April 26, 1968, effective May 6, 1968. Amended: Filed Aug. 16, 1977, effective Feb. 11, 1978. Rescinded: Filed June 3, 2013.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., August 29, 2013. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., September 5, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprule-spn@dnr.mo.gov.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

PROPOSED AMENDMENT

10 CSR 23-5.010 Definitions. The division is amending sections (1), (3), and (4).

PURPOSE: This amendment clarifies definitions used in Chapter 5.

(1) Horizontal closed-loop heat pump well means a trench or pit usually parallel to the horizon [and more than ten feet (10') in depth] into which a closed-loop pipe is placed for the purpose of heat transfer. Closed-loop heat pump systems installed in trenches or pits ten feet (10') or less in depth are exempt from these rules.

(3) [Vertical closed-loop heat pump well means the borehole perpendicular to the horizon deeper than ten feet (10') into which a closed-loop pipe is placed for the purpose of heat transfer.] **Open-loop water return well means a well constructed for the purpose of returning water that has passed through the heat pump unit to the same aquifer, at a similar depth, that was produced from in the open-loop water supply well.**

(4) [Water return well means a well constructed for the purpose of returning water that has passed through the heat pump machine to the same aquifer that it was produced from in the open-loop water supply well.] **Vertical closed-loop heat pump well means a borehole perpendicular to the horizon deeper than ten feet (10') into which a closed-loop pipe is placed for the purpose of heat transfer.**

AUTHORITY: sections 256.603, 256.606, and 256.626, RSMo [1994] 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed May 17, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Geology & Land Survey, Sheri Fry, PO Box 250, Rolla, MO 65402 or via email at sheri.fry@dnr.mo.gov. To be considered, comments must be received by 5:00 p.m., August 8, 2013. A public hearing is scheduled for 9:00 a.m., August 1, 2013 at the Department of Natural Resources, Division of Geology and Land Survey, Annex Conference Room, III Fairgrounds Road, Rolla, MO 65401.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

PROPOSED AMENDMENT

10 CSR 23-5.020 Certification and Registration of Heat Pump Systems. The division is amending sections (1)–(5), wrapping old section (5) into section (4), and adding a new section (5).

PURPOSE: This amendment clarifies the type of form to be submitted to the division and information provided.

(1) A certification report form, supplied by the division, shall be used to report the construction of open-loop (**water well certification form**) and closed-loop heat pump systems (**heat pump certification form**) which utilize trenches, or pits and/or wells as loop installation points. One (1) certification report form per heat pump system shall be completed and submitted to the division by the permittee within sixty (60) days after completion of the system. The certification report form shall be [accompanied by] **submitted with** the certification fee (see 10 CSR 23-2 for fees). [The permittee shall furnish the well owner one (1) copy, the division one (1) copy and retain one (1) copy in the permittee's files.] The report form shall contain all required information. Heat pump systems that utilize trenches [or bodies of water] to house the closed-loop are required to submit one (1) certification report form for the system. Heat pump systems that utilize wells are required to submit one (1) certification report form.

(2) The certification process involves the review of the certification report form to be sure that the heat pump system meets all construction requirements, **as verified by the contractor**, necessary for the specific area the system has been constructed. [The minimum construction standards were written to protect Missouri's groundwater and to help ensure that the construction of the system does not constitute a threat to this resource.] **The certification form shall contain all required information.**

(3) Upon successful completion of the review of the certification report forms, a certification number, which indicates that the heat pump system has met the minimum **construction** standards set in these rules, will be sent to the land owner.

(4) The registration process involves the documentation, **on forms supplied by the division**, of certain types of activities, [according to the requirements and reported on forms supplied by the division] **required by law.** [(5)] A registration report form[, supplied by the division,] shall be used to report major repairs, [and alterations of heat pump systems and] **or** the plugging of heat pump systems. [and] **The form** must be submitted to the division by the permittee within sixty (60) days after completion. [of the appropriate operations.] The registration [report form] **fee** shall be [accompanied by] **submitted with** the registration [fee] **report**

form. [The permittee shall furnish the well owner one (1) copy, the division one (1) copy and retain one (1) copy in the permittee's files.] The registration report form shall contain all required information. Upon review and approval of the registration report form, a registration number will be sent to the landowner which designates that the well was plugged according to the minimum standards.

(5) Certification and registration report forms shall include the geographic location of the well. The geographic location shall have a form in degrees, minutes, and seconds for latitude and longitude relative to the North American Datum 1983 (NAD1983) geodetic datum. Location accuracy shall be at least one (1) place after the seconds decimal point: i.e., this format, latitude 38° 59' 59.9"N, longitude 94° 01' 01.0"W.

AUTHORITY: sections 256.606, 256.623, and 256.626, RSMo [1994] 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed May 17, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Geology & Land Survey, Sheri Fry, PO Box 250, Rolla, MO 65402 or via email at sheri.fry@dnr.mo.gov. To be considered, comments must be received by 5:00 p.m., August 8, 2013. A public hearing is scheduled for 9:00 a.m., August 1, 2013 at the Department of Natural Resources, Division of Geology and Land Survey, Annex Conference Room, III Fairgrounds Road, Rolla, MO 65401.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

PROPOSED AMENDMENT

10 CSR 23-5.030 General Protection of Groundwater Quality and Resources. The division is amending section (2).

PURPOSE: This amendment further defines open-loop heat pump systems.

(2) It is the obligation and responsibility of the heat pump installation contractor to [ensure] verify that the heat pump system is constructed according to the rules. On open-loop systems that utilize [wells,] groundwater wells, it is the responsibility of the [heat pump] water well installation contractor [is responsible for] to ensure that the integrity of the annular seal remains viable for [a period of time from the date of certification to] three (3) years after [that] the date of certification unless it can be shown that the well seal has been damaged by other persons.

AUTHORITY: sections 256.606 and 256.626, RSMo Supp. [1991] 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed May 17, 2013.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

PROPOSED AMENDMENT

10 CSR 23-5.040 Location of Heat Pump Wells. The division is amending sections (2)–(4) and adding a new section (5).

PURPOSE: This amendment adds setback distances for heat pump wells and sets standards for encountering oil or gas producing zones.

(2) Vertical heat pump wells shall not be located within certain distances from pollution or contamination sources. A vertical heat pump well shall be at least—

(B) One hundred feet (100') from a below-grade manure storage area, cesspool, lagoon, unplugged abandoned well, subsurface disposal field (lateral field), grave, building or yard used for livestock or poultry, privy, or other contaminants that may drain into the ground.

(C) Fifty feet (50') from an existing operating well, septic tank, buried sanitary sewer, rim of a sinkhole, a pit or unfilled space below ground surface, a sump, except that a closed-loop heat pump well may be drilled closer than fifty feet (50') to a basement or another heat pump well.

(3) Horizontal heat pump [wells] loops should be at least two feet (2') above or below any other intersecting underground piping (to prevent freezing of the water lines) or wiring on the property, except a soaker pipe for the heat pump system used to keep the soil moisture constant.

(4) A variance may be [granted] applied for if setback distances cannot be met. The variance must be obtained in advance from the division.

(5) Any heat pump well installed in the state of Missouri, which encounters oil and/or gas, must have a grout plug from fifty feet (50') below the oil and/or gas bearing zone to fifty feet (50') above the oil and/or gas bearing zone. The grout plug must be composed of neat cement grout with a two percent–six percent (2%–6%) bentonite additive and be placed via tremie. The well must be grouted as stated in 10 CSR 23-5.050(7)(A), from the bottom of the neat cement grout plug to total depth and from the top of the neat cement grout plug to the surface. If the well terminates in the oil and/or gas bearing zone, a grout plug composed of neat cement with a two percent–six percent (2%–6%) bentonite additive and placed via tremie must be placed from total depth to fifty feet (50') above the oil and/or gas bearing zone. The well must be grouted as stated in 10 CSR 23-5.050(7)(A), from the top of the neat cement grout plug to the surface.

AUTHORITY: sections 256.606 and 256.626, RSMo [1994] 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed May 17, 2013.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

PROPOSED AMENDMENT

10 CSR 23-5.050 Construction Standards for Closed-Loop Heat Pump Wells. The division is amending sections (1)–(6) and (8)–(13), removing section (7), and renumbering subsequent sections.

PURPOSE: This amendment describes changes to the minimum construction standards for closed-loop heat pump wells.

(1) Casing Material. If permanent casing is needed in a heat pump well, it must meet standards set *[out]* in 10 CSR 23-3.030 for steel and 10 CSR 23-3.070 for plastic and must be grouted full-length.

(2) Heat Pump Loop Material. In a closed-loop heat pump well, the material used to make up the heat-exchange loop that is placed in the *[ground or into a body of water]* borehole or trench must be composed of high density polyethylene or polybutylene pipe and must be installed and grouted without delay upon completion of drilling *[of]* each well.

(C) Other pipe may be used if approval is granted in advance by the division.

(3) Connecting Closed-Loop Pipe. Polyethylene and polybutylene pipe must be thermally fused according to the pipe manufacturer's specifications and must not leak after assembly.

(A) Other connection methods may be used if approval is granted in advance by the division.

(4) Heat Transfer Fluid. The fluid used inside the closed-loop assembly must be approved by the board and meet the following standards:

(A) Heat transfer fluids must be composed of—

1. *[Pure glycerine solution—glycerine must be ninety-six and one-half percent (96.5%) United States pharmacopoeia grade]* **Inhibited glycol;**

2. *[Food grade propylene glycol]* **Methanol;**

3. *[Dipotassium phosphate]* **Water;**

4. *[Sodium chloride]* **Ethanol; or**

5. *[Potassium acetate]* **Other fluids may be used if approval by the division is received in advance.**

[6. Methanol;

7. Water;

8. Ethanol; or

9. Other fluids may be used if approval by the division is received in advance;]

(B) The fluid as it is used in a diluted state in the closed-loop must have the following properties:

1. Be ninety percent (90%) biodegradable;

2. Demonstrate low corrosion to all materials common to ground source heat pump systems;

3. Be homogeneous, uniform in color, free from lumps, skins, and foreign material that would be detrimental to fluid usage;

4. Not have a flash point lower than ninety degrees Celsius (90°C);

5. Not have a five- (5-)[-] day biological oxygen demand (BOD) at ten degrees Celsius (10°C) that exceeds two-tenths (0.2) gram oxygen per gram nor be less than one-tenth (0.1) gram oxygen per gram;

6. *[Not h]* **Have a toxicity that is less than the lethal dose (LD) of fifty (50) oral-rats of five (5) grams per kilogram; and**

7. Show neither separation, **or increase in turbidity**, from exposure to heat or cold, *[nor show an increase in turbidity]; and*

(C) While this rule attempts to define antifreeze fluids that will protect the environment, it is the responsibility of the permittee to *[become familiar with safe and proper use of these fluids and to]* take necessary precautions to ensure groundwater protection.

(5) **Bore/H/hole Size.** The hole size for heat pump wells that are grouted full-length with high solids bentonite slurry (see 10 CSR 23-5.050(9)(A)) must be of sufficient size to allow placement of the pipe and placement of a tremie to emplace the high solids bentonite slurry **grout**. The slurry must **be pumped via tremie** to fill the hole and surround all pipes. There must be at least one-half inch (1/2") between the hole and all pipes. If full-length high solids bentonite slurry is not used, then the following hole sizes are required:

(6) **Bore/H/hole Depth.** Closed-loop heat pump wells must not be deeper than *[two]* **five hundred feet (1/2/500')**. A variance must be obtained in advance, from the division, to drill a heat pump well deeper than *[two]* **five hundred feet (1/2/500')**. *[A heat pump well drilled in Area C (see 10 CSR 23-3.100(3)) that is less than two hundred feet (200') deep and cuts the Northview Formation must have a thirty-foot (30') grout plug set starting at ten feet (10') below the bottom of the Northview Formation. A map will be provided by the division showing the depth the grout plug must start. Follow the grouting requirement set out in 10 CSR 23-5.050(8) for grouting the interval above the Northview Formation.]* Total depth of a new heat pump well in Special Area 3 and Special Area 4 shall be determined in advance of drilling by the division. *[At any heat pump well being drilled, per division guidance, in which perchloroethylene (PCE) and/or trichloroethylene (TCE) is encountered in a pure-product phase (also known as dense non-aqueous phase liquid or DNAPL), drilling shall cease and the division shall be notified immediately. The division will determine further action.]*

[(7)] **Heat Pump System Design.** *The heat pump system that utilizes wells must be designed so that the grout used to seal the wells does not dehydrate because of excessive heat caused by an improperly designed heat pump system.]*

[(8)] **(7) Grouting Depth of Vertical Heat Pump Wells.** Grouting the annulus of a heat pump well *[is very important and]* must be completed immediately after the well is drilled due to cave-in potential in the uncased hole. *[Full-length grout is recommended and may*

be required (see section (5)) to prevent surface contamination from entering the drinking water aquifer through the borehole. The grout required for heat pump wells greater than two hundred feet (200') in depth must be determined by the division in advance. A variance form will be issued setting the grouting requirements. If the heat pump borehole is not grouted full-length, hole size requirements stated in section (5) must be followed and non-slurry bentonite plugs must be placed into the borehole. A plug (first plug) must be placed about forty feet (40') above the total depth of the borehole. This plug must be composed of bentonite chips or pellets utilizing at least one (1) bag of bentonite resulting in at least a five-foot (5') plug. Every forty feet (40') of borehole that exists above the first plug must have a plug set as described in this section. A near surface plug consisting of bentonite granules or powder must be set from a point ten feet (10') below the bottom of the trench, that connects the closed-loop to the heat pump machine, to the base of the trench. All bentonite plugs must be hydrated immediately after emplacement if they are in the unsaturated zone. All clean fill material placed between the bentonite plugs must be chlorinated. Heat pump wells in the Special Area 3 and Special Area 4 must be grouted full-length with thermal grout, placed from the bottom of the borehole up to the base of the trench.]

(A) Vertical heat pump wells require the annular space between the loop material, borehole, and/or casing to be grouted full length using materials in 10 CSR 23-5.050(8).

(B) Vertical heat pump wells drilled two hundred feet (200') or less that are not grouted full-length, must follow the hole size requirements stated in section (5) and non-slurry bentonite plugs must be placed in the borehole. A plug (first plug) must be placed forty feet (40') above the total depth of the borehole. This plug must be composed of bentonite chips or pellets utilizing at least one (1) bag of bentonite resulting in at least a five foot (5') plug. Every forty feet (40') of borehole that exists above the first plug must have a plug set as described in this section. A near surface plug, consisting of bentonite granules or powder, must be set from a point ten feet (10') below the bottom of the trench that connects the closed-loop to the heat pump machine to the base of the trench. All bentonite plugs must be hydrated immediately with six to eight (6–8) gallons of potable water for each bag of bentonite after emplacement if they are in the unsaturated zone. All clean fill material placed between the bentonite plugs must be chlorinated. Clean fill is defined as sand, local drill cuttings, pea gravel, varied sized agricultural lime, or clean aggregate free from contamination. Contractors utilizing this type of grouting method must notify the division at least forty-eighty (48) hours prior to beginning any construction on the system. The division will maintain a list of current notification methods and contact information available online or upon request. Notification information must include: owner name, owner address, GPS location, date work is to begin, primary contractor name, primary contractor permit number, drilling contractor name, and drilling contractor permit number.

(C) All heat pump wells in Special Area 2 and Sensitive Area 1C must be grouted full-length, placed from the bottom of the borehole up to the base of the trench as stated in 10 CSR 23-5.050(7)(A).

[(9)](8) Approved Grout Materials. The following four (4) grout types are permitted for use in heat pump wells:

(A) Bentonite Slurry. High solids sodium bentonite slurry must be at least twenty percent to thirty percent (20%–30%) by weight solids to be used as grout. Thickened drilling mud or thinner bentonite slurry is strictly prohibited. Specialized pumps are required to pump a high solids bentonite slurry. When bentonite slurry is used, it must be applied in one (1) continual motion, through a tremie lowered to

the grouting point. It is recommended that full-length grout be used in all vertical closed-loop heat pump wells. The tremie pipe may be removed while the borehole is filled or removed afterward;

(B) Non-slurry Bentonite. Chipped or pelletized bentonite varieties that are designed to fall through standing water may only be used when sealing the annulus of a well that is below the water level in the saturated zone. Complete hydration is difficult to achieve when using dry non-slurry bentonite in the unsaturated zone. All non-slurry sodium bentonite varieties may be used in the unsaturated zone if the hole is dry and no bridging occurs. The dry bentonite must be hydrated after emplacement. The effective use of non-slurry bentonite as a sealing agent depends on the efficient hydration of the product;

(C) Thermal Grout Slurry. Grout containing at least seven and one-half percent (7.5%) by weight bentonite solids and no more than sixty-five percent (65%) by weight silica solids may be used as grout. [The grout slurry mixture must exhibit a thermal conductivity greater than 0.85 Btu/hr. ft. degree F and permeability not more than 1×10^{-7} cm/s.] Specialized pumps are required [and the slurry mixture must be installed full-length] to pump thermal grout slurry through a tremie lowered to [an initial grouting point] within twenty feet (20') of the base of the borehole; and

(D) Other Grout. Other types of grout may be used if approval is granted in advance by the division.

[(10)](9) Wells That Encounter Karst Conditions. When a borehole encounters caves or large fractures, grouting may become difficult. Small fractures are effectively sealed by using chipped, hydrated bentonite. [Clean fill (gravel, sand, and the like) may be used to fill these intervals.] If the borehole cannot be grouted as specified, it must be plugged [and a new location chosen]. The heat pump [loop] system can be redesigned for shorter boreholes not encountering these conditions, or other grouting methods may be used if approval is granted in advance by the division.

[(11)](10) Jetted Heat Pump Wells. Closed-loop heat pump wells that are jetted in Area 5 (see Figure 5) must not be deeper than seventy-five feet (75') and at least the upper ten feet (10') of borehole must be grouted.

[(12)](11) Heat Pump Wells in Special Area 3. Portions of Franklin County within and south of the city of New Haven are listed as Special Area 3 (Figures 7B and 7C, 10 CSR 23-3.100(7)) due to the contamination of portions of the aquifer by one (1) or more of the following chemicals of concern: tetrachloroethylene (PCE), trichloroethylene (TCE), PCE degradation products and TCE degradation products or other contaminants of the National Public Drinking Water Regulations (NPDWR). In this area it is necessary to utilize more stringent construction standards for new heat pump wells that are drilled into the aquifer. In Special Area 3 a qualified and properly trained individual shall collect all groundwater samples for analysis of chemicals of concern.

(A) The division shall be consulted before constructing a new heat pump well in Special Area 3. The division will provide specific guidance on heat pump well drilling protocol and construction specifications on a case-by-case basis. The division must provide written approval for all new heat pump wells in Special Area 3 prior to construction.

(B) All drilling-derived fluids and solid materials from heat pump wells drilled in Special Area 3 shall be containerized, [and] sampled, [before disposal in an appropriate location based on analytical results.] and managed pursuant to Missouri hazardous waste management regulations.

(C) [At a/Any heat pump well [being drilled,] drilling operation, [per division guidance,] in which PCE and/or TCE is encountered in a pure-product phase (also known as dense non-aqueous phase liquid or DNAPL), drilling shall cease and the division shall be notified immediately. The division will determine further action.

~~/(13)/(12)~~ Heat Pump Wells in Special Area 4. Portions of St. Charles County west of the city of Weldon Spring are listed as Special Area 4 (Figure 7D, 10 CSR 23-3.100(8)) due to the contamination of portions of the aquifer by one (1) or more of the following chemicals of concern: trinitrotoluene (TNT) and dinitrotoluene (DNT) at the Army Corps of Engineers (COE) site, 2,4,6-TNT, 2,4-DNT, 2,6-DNT, dinitrobenzene (1,3-DB), nitrobenzene (NB), nitrate, uranium, and trichloroethylene (TCE) at the Department of Energy (DOE) main site, uranium and 2,4-DNT at the DOE Quarry, or other contaminants of the National Public Drinking Water Regulations (NPDWR). In this area it is necessary to utilize more stringent construction standards for new heat pump wells that are drilled into or through the shallow aquifer defined as the Burlington Keokuk/Fern Glen formation(s) at the main site and the Kimmswick limestone at the DOE Quarry. In Special Area 4 a qualified and properly trained individual shall collect all groundwater samples for analysis of chemicals of concern. Sampling qualifications and training requirements will be determined in advance of sampling by the division and approval will be issued in written format.

(A) The division shall be consulted before constructing a new heat pump well in Special Area 4. The division will provide specific guidance on heat pump well drilling protocol and construction specifications on a case-by-case basis. The division must provide written approval for all new heat pump wells prior to construction.

(B) All drilling-derived fluids and solid materials shall be containerized, sampled, and managed pursuant to Missouri hazardous waste management regulations.

AUTHORITY: sections 256.606 and 256.626, RSMo 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed May 17, 2013.

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

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**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

PROPOSED AMENDMENT

10 CSR 23-5.060 Construction Standards for Open-Loop Heat Pump Systems That Use Groundwater. The division is amending sections (2)–(4).

PURPOSE: This amendment clarifies the construction standards for open-loop heat pump wells.

(2) Open-Loop Heat Pump Systems and Groundwater Supply Wells. An open-loop heat pump uses groundwater produced from wells which are plumbed through the heat pump machine where the heat

transfer of the groundwater is accomplished. The groundwater is then utilized at the surface or returned to the ground via a return well. Any newly drilled or reconstructed well utilized ~~to~~ for supply or return water must meet the construction standards set out in 10 CSR 23-3. Any well that was constructed before October 1987, that is utilized as the water supply or return for an open-loop heat pump system is exempt from these rules, except that the surface disposal of the water may fall under the Division of Environmental Quality rules and the return of the produced water via a well must meet rules set out in this section.

(3) Surface Disposal of Used Water. After the water passes through the heat pump machine, it may be disposed of to the surface only if the water remains on the landowner's property. It may not be run to drainage that leaves the property unless applicable permits are secured through the Water *[Pollution Control]* Protection Program, Division of Environmental Quality. If the heat pump utilizes more than twenty-five (25) gallons of water per minute when it is in operation, surface disposal of the used water is prohibited.

(4) Water Return and Supply Wells for Domestic Heat Pump Applications. Water return wells shall meet the requirements set out in 10 CSR 23 Chapters 1, 2, and 3 concerning casing, casing depth, well seal, borehole, grouting, and reporting. The depth of the water return well must not exceed the depth of the water supply well. Water must be returned to the same aquifer, at a similar depth that it was taken from in the water supply well. A sanitary well seal or a pitless adapter may be used, and the water return pipe must extend at least twenty feet (20') below the static water *[table inside the well casing]* level.

AUTHORITY: sections 256.606 and 256.626, RSMo [1994] 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed May 17, 2013.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

PROPOSED AMENDMENT

10 CSR 23-5.070 [Construction Standards for] Closed-Loop Heat Pump Systems That Use Refrigerants as the Heat Transfer Fluid. The division is amending the title of the rule and sections (1)–(3).

PURPOSE: This amendment sets a deadline for the construction of these types of systems.

(1) Direct Expansion Heat Pump Systems. **This type of system will no longer be allowed as of January 1, 2015.** These types of systems utilize a network of copper tubing or other material [buried] installed in a pit, [or] trench or vertically in a borehole. The refrigerant is circulated through the tubing allowing the heat transfer to take place. The ground coil must be installed by a method which prevents leakage of the refrigerant.

(2) Any heat transfer fluids used in a direct expansion heat pump system must be nontoxic and nonhazardous such as [HCFC-22] **R410A, R407C**, or others that are approved in advance by the division.

(3) Heat pump systems utilizing refrigerants in their closed-loops may be placed into vertical wells [if] **unless** approval is received in advance from the division.

AUTHORITY: sections 256.606 and 256.626, RSMo Supp. [1991] 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed May 17, 2013.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 5—Heat Pump Construction Code**

PROPOSED AMENDMENT

10 CSR 23-5.080 Plugging of Heat Pump Wells. The division is amending subsection (1)(A) and section (2).

PURPOSE: This amendment states the form and fee to be submitted for the plugging of a heat pump well and requires precautions to protect groundwater.

(1) Vertical Closed-Loop Heat Pump Wells. To plug a properly constructed vertical closed-loop heat pump well the following specifications must be met:

(A) Remove all heat transfer fluid from the closed-loop[;] and **take necessary precautions to ensure groundwater protection;**

(2) Open-Loop Heat Pump Wells. Wells used to supply water for the heat pump and water return wells must be plugged as set out in 10 CSR 23-3.110 Plugging of Wells., and a/A registration report form **and fee must be submitted [as if it were a water supply well].**

AUTHORITY: sections 256.606, 256.623, and 256.626, RSMo [Supp. 1991] 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed May 17, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Geology & Land Survey, Sheri Fry, PO Box 250, Rolla, MO 65402 or via email at sheri.fry@dnr.mo.gov. To be considered, comments must be received by 5:00 p.m., August 8, 2013. A public hearing is scheduled for 9:00 a.m., August 1, 2013 at the Department of Natural Resources, Division of Geology and Land Survey, Annex Conference Room, III Fairgrounds Road, Rolla, MO 65401.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 5—Industrial Loan Program**

PROPOSED RECISSION

10 CSR 140-5.010 Definitions and General Provisions. This rule defined terms and provided general provisions and procedures under which the Industrial Loan Program operated.

PURPOSE: This rule is being rescinded because the law which authorized this rule was repealed by L. 2002 HB 2078, Rev. section A which repealed section 640.195, 200, 203, 205, 207, 210, 212, 215, and 218.

AUTHORITY: sections 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215, and 640.218, RSMo Supp. 1991. Emergency rule filed Aug. 3, 1993, effective Aug. 13, 1993, expired Dec. 10, 1993. Emergency rule filed Dec. 3, 1993, effective Dec. 13, 1993, expired April 11, 1994. Original rule filed Aug. 3, 1993, effective April 9, 1994. Rescinded: Filed May 31, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, Division of Energy, PO Box 176, Jefferson City, MO 65102-0176. 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 2063—Behavior Analyst Advisory Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2063-1.015 Fees. The board is proposing to amend section (1).

PURPOSE: This amendment adds a license replacement fee.

(1) The following fees are established for the Behavior Analyst Advisory Board and are payable to the State Committee of Psychologists:

(E) Replacement License Fee	\$ 10
[(E)](F) Inactive Renewal Fee	\$ 50
[(F)](G) Inactive Reactivation Fee (section 337.320.8, RSMo)	\$100
[(G)](H) Insufficient Check Fee	\$ 25

AUTHORITY: sections 337.310, 337.315, 337.320, and 337.340, RSMo Supp. [2010] 2012. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expired June 7, 2011. Original rule filed Nov. 30, 2010, effective May 30, 2011. Amended: Filed May 22, 2013.

PUBLIC COST: This proposed amendment will increase revenue for public entities by approximately one hundred dollars (\$100) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately one hundred one dollars (\$101) annually for the life of the rule. It is anticipated that the costs will recur for the life of rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Behavior Analyst Advisory Board, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-5804, or via email at ba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2063 - Behavior Analyst Advisory Board****Chapter 1 - General Rules****Proposed Amendment - 20 CSR 2063-1.015 Fees**

Prepared March 28, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**Estimated Fiscal Impact**

Affected Agency or Political Subdivision	Estimated Revenue	
Behavior Analyst Advisory Board	\$100	
	Estimated Increase in Revenue Annually for the Life of the Rule	\$100

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total revenue is based on the cost savings reflected in the private entity fiscal note filed with this amendment.
2. It is anticipated that the total revenue will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2063 - Behavior Analyst Advisory Board
Chapter 1 - General Rules
Proposed Amendment - 20 CSR 2063-1.015 Fees
 Prepared March 28, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
10	Replacement License Fee Fee @ \$10.00	\$100.00
2	Replacement License Request Postage @ \$0.65	\$1.30
Estimated Annual Cost of Compliance for the Life of the Rule		\$101

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY12 actuals.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight
3. The board anticipates that approximately two of the ten requests received each year for replacement license will come through the mail.

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

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

**Division 2063—Behavior Analyst Advisory Board
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2063-2.005 Application for Licensure. The board is proposing to amend the purpose, add new sections (5) and (6), and renumber accordingly.

PURPOSE: This amendment adds procedures for obtaining a temporary courtesy license and a provisional license.

PURPOSE: This rule outlines the procedures to apply for licensure, provisional license, and temporary permits for behavior analysts and assistant behavior analysts.

(5) Temporary Courtesy License for Nonresident Military Spouses.

(A) The board shall grant a temporary courtesy license to practice behavior analysis without examination to the “nonresident military spouse” as defined in section 324.008.1, RSMo, who provides the board office the following:

1. A completed application form;
2. A non-refundable application fee, as established by the board pursuant to rule, made payable to the board;
3. Verification sent directly to the board office from the state, district, or territory from where the applicant holds a current and active license verifying that the applicant holds a current and active license;
4. Proof that the applicant has been engaged in active practice in the state, district, or territory of the United States in which the applicant is currently licensed for at least two (2) years in the five (5) years immediately preceding this application;
5. Verification sent directly to the board office from each state, district, or territory of the United States in which the applicant has ever been licensed verifying that—
 - A. The applicant is, or was at the time of licensure, in good standing;
 - B. The applicant has not committed an act in any jurisdiction where the applicant has or had a license that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice at the time the act was committed; and
 - C. The applicant has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding by a licensing or credentialing entity in another jurisdiction;
6. If the board is unable to determine if the licensing requirements of the state, district, or territory in which the applicant is currently licensed are equivalent to Missouri’s licensing requirements, the applicant shall submit documentation regarding the licensing requirements equivalency;
7. Such additional information as the board may request to determine eligibility for a temporary courtesy license; and
8. Temporary licenses shall expire upon issuance of a permanent license or denial of the application but no later than one hundred eighty (180) days from issuance of the temporary license.

(6) Provisional License—Behavior Analyst and Assistant Behavior Analyst.

- (A) Applicants for provisional licensure shall submit—
1. A completed application for licensure which is typewritten or printed in black ink, signed, and notarized;

2. The appropriate licensure fee pursuant to 20 CSR 2063-1.015;

3. One (1) recent photograph, pursuant to section 337.315.1, RSMo, of the applicant’s head and shoulders (commonly known as passport style) that fairly depicts the applicant’s appearance;

4. Proof of submission of fingerprints to the Missouri State Highway Patrol’s approved vendor for both a Missouri State Highway Patrol and FBI fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant; and

5. Proof the applicant will be directly supervised by a licensed behavior analyst on a form provided by the board.

[(5)](7) The applicant shall be informed in writing of the decision regarding the application for licensure.

[(6)](8) The board or committee may delegate the preliminary review of license applications to the executive director.

AUTHORITY: sections 324.008 and 337.315 [and 337.345], RSMo Supp. [2010] 2012. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expired June 7, 2011. Original rule filed Nov. 30, 2010, effective May 30, 2011. Amended: Filed May 22, 2013.

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 Behavior Analyst Advisory Board, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-5804, or via email at ba@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 2063—Behavior Analyst Advisory Board
Chapter 2—Licensure Requirements**

PROPOSED RULE

20 CSR 2063-2.020 Replacement of License

PURPOSE: This rule will set out the manner by which a licensee can obtain a replacement or duplicate license certificate.

(1) A licensee whose license is lost, destroyed, or mutilated or who requires replacement license as a result of an incorrect address or name change, or who requires additional certificates may obtain a duplicate certificate, upon receipt of a statement indicating the need for the duplicate and the required fee as established by the committee.

AUTHORITY: section 337.320.5, RSMo Supp. 2012. Original rule filed May 22, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately thirty-eight to forty dollars (\$38 to \$40) annually for the life of the rule.

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 Behavior Analyst Advisory Board, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-5804, or via email at ba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

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

Division 2063 - Behavior Analyst Advisory Board

Chapter 2 - Licensure Requirements

Proposed Rule - 20 CSR 2063-2.020 Replacement of License

Prepared March 28, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Behavior Analyst Advisory Board	\$38 to \$40
	Total Annual Cost of Compliance for the Life of the Rule to \$40

III. WORKSHEET

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

Personal Service Dollars

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Licensing Technician II	\$24,576 to \$26,640	\$37,211 to \$40,336	\$17.89 to \$19.39	\$0.30 to \$0.32	10 minutes	\$2.98 to \$3.23	10	\$29.82 to \$32.32
								Total Annual Personal Service Costs to \$32.32

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per Item
Replacement License			
Printing and Postage	\$0.79	10	\$7.90
	Total Annual Expense and Equipment Costs		\$7.90

IV. ASSUMPTION

- Employee's salaries were calculated using the annual salary multiplied by 51.41% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute.

2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.
3. The figures reported above are based on FY12 actuals.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 337.300 to 337.345, RSMo. Pursuant to section 337.320, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 337.300 to 337.345, RSMo at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 337.300 to 337.345.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2145—Missouri Board of Geologist Registration
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2145-1.040 Fees. The board is proposing to amend subsection (1)(A), add new subsections (1)(G) and (H) and renumber the subsequent subsections.

PURPOSE: The amendment allows for a current license to be placed on inactive status and subsequently reactivated.

(1) The following fees are established by the Board of Geologist Registration and are payable in the form of a cashier's check, personal check, or money order:

(A) <i>[Registered Geologist]</i> Application Fee	\$125.00
(G) Inactive License Fee	\$ 50.00
(H) Reactivation Fee	\$ 50.00
<i>[(G)](I)</i> Late Renewal Fee (in addition to applicable license renewal fee) One (1) day to two (2) years late	\$ 50.00
<i>[(H)](J)</i> Endorsement to Another Jurisdiction	\$ 10.00
<i>[(I)](K)</i> Replacement Wall Hanging	\$ 15.00
<i>[(J)](L)</i> Educational Review	\$ 35.00
<i>[(K)](M)</i> Uncollectible Fee (charged for any uncollectible check or other uncollectible financial instrument submitted to the Missouri State Board of Geologist Registration)	\$ 25.00
<i>[(L)](N)</i> Exam Cancellation/Book Assessment Fee (amount determined by the Association of State Boards of Geology)	

AUTHORITY: section 256.462, RSMo 2000, and section 256.465.2., RSMo Supp. [2011] 2012. This rule originally filed as 4 CSR 145-1.040. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed May 22, 2013.

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 cost private entities approximately seven hundred twenty-five dollars (\$725) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-0661, or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

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

Division 2145 - Missouri Board of Geologist Registration

Chapter 1 - General Rules

Proposed Amendment 20 CSR 2145-1.040 - Fees

Prepared January 30, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
1	Registered Geologist (Application Fee For Temporary Courtesy License @ \$125)	\$125
10	Registered Geologist (Inactive License Fee @ \$50)	\$500
2	Registered Geologist (Reactivation Fee @ \$50)	\$100
Estimated Annual Cost of Compliance with the Amendment for the Life of the Rule		\$725.00

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. Pursuant to section 324.008, RSMo, which was enacted in 2011, occupational licensing boards shall establish by rule the criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military who is transferred to this state so that they may lawfully practice their profession. The board has elected to have the applicants for this temporary courtesy license submit the regular application fee that is already in place.
2. It is estimated that the board will have one applicant annually that chooses to apply for a temporary courtesy license.
3. The board anticipates that ten licensees will place their license on inactive status during a given biennial renewal cycle and that two inactive licensees will reactivate their license each cycle.
4. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 256.450 to 256.483, RSMo. Pursuant to section 256.465, RSMo, the fees shall be set at an amount which shall not be more than that required to administer sections 256.450 to 256.483.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
Division 2145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

20 CSR 2145-2.020 Educational Requirements. The board is proposing to add new subsection (4)(B), amend all subsections under section (5), move subsection (5)(E) to section (6), and renumber section (6).

PURPOSE: This amendment further defines the eighteen (18) hours of core courses for the thirty (30) semester hours or forty-five (45) quarter hours.

(4) The applicant shall have completed at least thirty (30) semester hours or forty-five (45) quarter hours of credit in a course of study in geology.

(B) The thirty (30) semester hours shall include the following courses or their equivalents:

- | | |
|---|------------------|
| 1. Physical Geology | 3 semester hours |
| 2. Earth Materials (minerals and rocks) | 3 semester hours |
| 3. Structural Geology | 3 semester hours |
| 4. Stratigraphy & Sedimentation | 3 semester hours |
| 5. Field Geology | 6 semester hours |

(5) The following criteria shall be used by the board in evaluating the applicant's academic credentials:

(A) Credit *[will]* **shall** be given for seminar courses only if the applicant is awarded credit and a grade for the course that appears on the transcript. It shall be the responsibility of the applicant to provide substantiation that the course was an in-depth study of geology or a branch of geologic study and work such as engineering geology, environmental geology, hydrogeology, or mineral resources. Such documentation includes, but is not limited to, course descriptions in official school catalogs, course syllabi, bulletins or other like means, or through written documentation from an appropriate school official regarding course content;

(B) No credit *[will]* **shall** be given for workshops, continuing education, work experience, or readings courses, even if credit is awarded by the educational institution and the offering appears on the transcript;

[1.J](C) An independent study *[will]* **shall** be accepted by the board only if the applicant is awarded credit and a passing grade appearing on the transcript accompanied by a letter from the appropriate school official explaining the course was an in-depth study of geology or a branch of geologic study and work; *[and]*

[(C)](D) If an academic course title is not self-explanatory as to the content, content must be substantiated through course descriptions from official school catalogs or bulletins, course syllabi, or through written documentation from an appropriate school official; **and**

[(D)](E) A course shall not be considered as complete or meeting any academic requirements unless the applicant's official transcript clearly shows the course was awarded credit by the school and the applicant has received a passing grade; *and*].

[(E)](6) It shall be the applicant's burden to demonstrate his/her academic course work and training constituted a program of study in geology. The applicant shall request the school or university forward official transcripts and any other supporting evidence necessary to document the fact that these educational requirements have been met. A final determination of whether the program of study or course work which forms the basis of the applicant's thirty (30) semester hours or forty-five (45) *[credit]* quarter hours of credit in a course of study in geology is within the discretion of the board **including,**

but not limited to, whether the courses or their equivalents stated in subsection (4)(B) above are present.

[(6)](7) The board will review an applicant's educational credentials upon receiving official educational transcripts directly from the college, school, or university and upon payment of a fee for an educational review. All information must be submitted to the board no later than thirty (30) days before a regularly scheduled board meeting to be reviewed at that meeting.

AUTHORITY: section 256.462.3, RSMo 2000, and section 256.468, RSMo Supp. 2012. This rule originally filed as 4 CSR 145-2.020. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008. Amended: Filed May 22, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-0661, or via email at geology@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 2145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

20 CSR 2145-2.030 Post-Baccalaureate Experience in Geology. The board is proposing to amend section (1) by splitting into subsections and paragraphs and add a new subsection, add subsections (2)(A) and (B) and amend section (3).

PURPOSE: This amendment clarifies the requirements for post-baccalaureate experience.

(1) A person applying for licensure as a registered geologist with three (3) years post-baccalaureate experience shall have completed the post-baccalaureate experience prior to the time of application, and the experience shall consist of the practice of geology in responsible charge.

(A) Responsible charge geological work shall be provided pursuant to the order, oversight, guidance, and full professional responsibility of the supervising registered geologist.

1. Post-baccalaureate experience on or after May 30, 2008, must have been obtained under the supervision of a supervising registered geologist unless otherwise approved by the board. For the purpose of this rule, a supervising registered geologist shall mean one who is licensed/registered by this board or a board of another jurisdiction which is a member of the Association of State Boards of Geology (ASBOG™).

2. Qualifying post-baccalaureate experience obtained on or after May 30, 2011, must have been obtained under the supervision of a supervising registered geologist.

(B) One (1) year of post-baccalaureate experience shall be equivalent to nineteen hundred (1,900) hours of the practice of geology in responsible charge and under the supervision of a registered geologist.

(2) The phrase, actual geological work, as defined in 256.468.3, RSMo, means the practice of geology as defined in 256.453.7, RSMo, beginning after the satisfactory completion of the educational requirements set forth in 20 CSR 2145-2.020.

(A) Practical experience in other disciplines, including but not limited to environmental, engineering, chemistry, or biology, which includes no actual geologic work, as defined in 256.468.3, RSMo, or no practice of geology, as defined in 256.453.7, RSMo, shall not be accepted to fulfill the three (3) years of post-baccalaureate experience.

(B) For practical experience that contains work in other disciplines, including but not limited to environmental, engineering, chemistry, or biology other than actual geologic work, as defined in 256.468.3, RSMo, or no practice of geology, as defined in 256.453.7, RSMo, only that portion of the experience that meets the definitions of actual geologic work or the practice of geology should be included in the three (3) years of post-baccalaureate experience.

(3) A registered geologist shall not serve as a supervisor if his/her license is **currently** subject to terms of probation, suspension, or revocation.

AUTHORITY: section 256.462.3, RSMo 2000, and section 256.468.3, RSMo Supp. 2012. This rule originally filed as 4 CSR 145-2.030. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed May 22, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-0661, or via email at geology@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 2145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements**

PROPOSED RULE

20 CSR 2145-2.065 Temporary Courtesy License

PURPOSE: This rule states the requirements and procedures for a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member's military duty to obtain a temporary courtesy license to practice geology for one hundred eighty (180) days.

(1) The board shall grant a temporary courtesy license to practice geology without examination to the "nonresident military spouse" as

defined in section 324.008.1, RSMo, who provides the board office the following:

(A) A completed application form;

(B) A non-refundable application fee, as established by the board pursuant to rule, made payable to the board;

(C) Verification sent directly to the board office from the state, district, or territory from where the applicant holds a current and active license verifying that the applicant holds a current and active license;

(D) Proof that the applicant has been engaged in active practice in the state, district, or territory of the United States in which the applicant is currently licensed for at least two (2) years in the five (5) years immediately preceding this application;

(E) Verification sent directly to the board office from each state, district, or territory of the United States in which the applicant has ever been licensed verifying that:

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

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

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

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

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

AUTHORITY: section 256.462.3, RSMo 2000, and section 324.008.1, RSMo Supp. 2012. Original rule filed May 22, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight dollars and ninety-five cents (\$8.95) to nine dollars and thirty-eight cents (\$9.38) biannually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately thirty-seven dollars and fifty cents (\$37.50) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Geologist Registration, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-0661, or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER**Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2145 - Missouri Board of Geologist Registration****Chapter 2 - Licensure****Proposed Rule 20 CSR 2145-2.065 Temporary Courtesy License**

Prepared January 30, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
Missouri Board of Geologist Registration	\$8.95
	to
	\$9.38
	Total Annual Cost of
	Compliance for the Life of the
	Rule
	\$8.95
	to
	\$9.38

III. WORKSHEET

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

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Processing Technician II	\$24,579	\$37,215	\$17.89	\$0.30	15 minutes	\$4.47	1	\$4.47
	to	to	to	to		to		to
	\$26,640	\$40,336	\$19.39	\$0.32		\$4.85		\$4.85
Principle Assistant	\$51,156	\$77,455	\$37.24	\$0.62	5 minutes	\$3.10	1	\$3.10
	to	to	to	to		to		to
	\$52,200	\$79,036	\$38.00	\$0.63		\$3.17		\$3.17
Personal Service Costs								\$7.58
								to
								\$8.01

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	1	\$0.65
License Printing and Postage	\$0.72	1	\$0.72
Expense and Equipment Costs			\$1.37

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 51.41% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. The figures reported above are based on past inquiries from license applicants.

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

PRIVATE FISCAL NOTE

I. RULE NUMBER

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

Division 2145 - Missouri Board of Geologist Registration

Chapter 2 - Licensure

Proposed Rule 20 CSR 2145-2.065 Temporary Courtesy License

Prepared January 30, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
1	Geology Temporary Courtesy License Applicant (License Verification Fee @ \$10@ 3 each)	\$30
1	Geology Temporary Courtesy License Applicant (Postage @ \$7.50)	\$7.50
Estimated Annual Cost of Compliance for the Life of the Rule		\$37.50

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The figures reported above are based on past inquiries from license applicants.
2. It is estimated that the board will have one applicant annually that chooses to apply for a temporary courtesy license.
3. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states. The board is estimating that each applicant will provide 3 verifications.
4. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2145-2.080 Renewal of License. The board is proposing to add a new section (6).

PURPOSE: This amendment allows currently licensed geologists, at the time of renewal, to place their license on inactive status.

(6) Licensees who request to be classified as inactive may maintain their inactive status and receive a license indicating their inactive status by paying the inactive license renewal fee as provided in 20 CSR 2145-1.040. A holder of an inactive license shall not have his/her license reactivated until he/she pays the required reactivation fee. If a holder of an inactive license reactivates at the time of renewal, the licensee shall only be required to pay the renewal fee.

AUTHORITY: section 256.462.3, RSMo 2000, and section 256.468.10, RSMo Supp. [2007] 2012. This rule originally filed as 4 CSR 145-2.080. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed May 22, 2013.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one hundred seven dollars and thirty-five cents (\$107.35) to one hundred twelve dollars and sixty-one cents (\$112.61) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-0661, or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

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

Division 2145 - Missouri Board of Geologist Registration

Chapter 2 - Licensure

Proposed Amendment 20 CSR 2145-2.080 Renewal of License

Prepared January 7, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
Missouri Board of Geologist Registration	\$107.35 to
	\$112.61
	Total Annual Cost of Compliance for the Life of the Rule
	\$107.35 to \$112.61

III. WORKSHEET

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

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Processing Technician II	\$24,579 to	\$37,215 to	\$17.89 to	\$0.30 to	15 minutes	\$4.47 to	12	\$53.68 to
	\$26,640	\$40,336	\$19.39	\$0.32		\$4.85		\$58.18
Principle Assistant	\$51,156 to	\$77,455 to	\$37.24 to	\$0.62 to	5 minutes	\$3.10 to	12	\$37.24 to
	\$52,200	\$79,036	\$38.00	\$0.63		\$3.17		\$38.00
								\$90.91 to
Personal Service Costs								\$96.17

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	12	\$7.80
License Printing and Postage	\$0.72	12	\$8.64
Expense and Equipment Costs			\$16.44

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 51.41% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. The figures reported above are based on inquiries the board has received in the past regarding the need for inactive status during a renewal period.

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

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2193—Interior Design Council
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2193-1.010 Definitions. The council is proposing to add section (7).

PURPOSE: This amendment defines the acronym for the Council for Interior Design Accreditation as used in the rules for the Interior Design Council.

(7) “CIDA”—Council for Interior Design Accreditation.

AUTHORITY: sections 324.400, RSMo Supp. [2006] 2012, and section 324.412, RSMo 2000. This rule originally filed as 4 CSR 193-1.010. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-1.010, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006, effective June 30, 2007. Amended: Filed May 22, 2013.

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 Interior Design Council, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, facsimile at (573) 526-3489, or via email at intdesn@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 2193—Interior Design Council
Chapter 2—Registration Requirements**

PROPOSED AMENDMENT

20 CSR 2193-2.020 Qualifying Education. The council is proposing to amend sections (1) and (3).

PURPOSE: This amendment adds the Council for Interior Design Accreditation as an accepted accrediting body.

(1) A “five- (5-) year or four- (4-) year interior design program” shall mean a baccalaureate degree program accredited by Foundation for Interior Design Education Research (FIDER), **Council for Interior Design Accreditation (CIDA)**, or a baccalaureate degree program containing coursework in the following content areas:

(3) A “two- (2-) year interior design program” shall mean an associate degree program accredited by FIDER, **CIDA**, or an associate degree program containing coursework in the following content areas:

AUTHORITY: section[s] 324.409, RSMo Supp. 2012, and section 324.412, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 193-2.020. Original rule filed Feb. 25, 2000, effective Aug. 30,

2000. Moved to 20 CSR 2193-2.020, effective Aug. 28, 2006. Amended: Filed May 22, 2013.

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 Interior Design Council, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, facsimile at (573) 526-3489, or via email at intdesn@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 2193—Interior Design Council
Chapter 4—Fees**

PROPOSED AMENDMENT

20 CSR 2193-4.010 Fees. The council is proposing to amend sections (3) and (4).

PURPOSE: The council is statutorily obligated to enforce and administer the provisions of sections 324.400 to 324.439, RSMo. Pursuant to section 324.424.1, RSMo, the council is responsible for setting fees at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 324.400 to 324.439. Therefore the office is proposing to remove the application fee and decrease the initial registration fee, reciprocity fee, biennial renewal fee, and reinstatement fee.

(3) The fees are established as follows:

[(A)] Application Fee	\$ 75.00]
[(B)](A) [Initial] Registration Fee	[\$250.00/100.00
[(C)](B) Reciprocity Fee	[\$250.00/100.00
[(D)](C) Biennial Renewal Fee	[\$250.00/100.00
[(E)](D) Reinstatement Fee	\$ [75.00] 25.00

(4) The council may prorate the [initial] registration fee in order to put all registrants on a biennial renewal.

AUTHORITY: sections 324.409, [324.412,] 324.415, 324.418, and 324.421 [and 324.424], RSMo Supp. [1999] 2012, and sections 324.412 and 324.424, RSMo 2000. This rule originally filed as 4 CSR 193-4.010. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-4.010, effective Aug. 28, 2006. Amended: Filed May 22, 2013.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately two thousand two hundred and twenty-five dollars (\$2,225) annually and twelve thousand dollars (\$12,000) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately two thousand two hundred twenty-five dollars (\$2,225) annually and twelve thousand dollars (\$12,000) biennially for the life of the rule. It is anticipated that the savings will recur

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

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

PUBLIC FISCAL NOTE**I. RULE NUMBER****Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2193 - Interior Design Council****Chapter 4 - Fees****Proposed Amendment to 20 CSR 2193-4.010 Fees**

Prepared March 26, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**Estimated Annual Fiscal Impact**

Affected Agency or Political Subdivision	Estimated Revenue	
Interior Design Council		\$2,225
	Estimated Annual Decrease in Revenue for the Life of the Rule	\$2,225

Estimated Biennial Fiscal Impact

Affected Agency or Political Subdivision	Estimated Revenue	
Interior Design Council		\$12,000
	Estimated Biennial Decrease in Revenue for the Life of the Rule	\$12,000

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total increase of revenue is based on the costs reflected in the Private Entity Fiscal Note filed with this amendment.
2. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five year analysis is based on the projected revenue, expenses, and number of licensees.
3. Given the information provided by the five year projections, the council voted to implement the fee changes shown on the private fiscal note in order to continue to administer sections 324.400 to 324.439, RSMo as authorized and directed by section 324.424, RSMo.
4. It is anticipated that the total decrease in revenue will occur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2193 - Interior Design Council
Chapter 4 - Fees
Proposed Amendment to 20 CSR 2193-4.010 Fees
 Prepared March 26, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual Savings of Compliance

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
9	Application Fee (Fee Decrease @ \$75)	\$675
9	Registration Fee (Fee Decrease @ \$150)	\$1,350
1	Reciprocity Fee (Fee Decrease @ \$150)	\$150
1	Reinstatement Fee (Fee Decrease @ \$50)	\$50
Estimated Annual Savings for the Life of the Rule		\$2,225

Biennial Savings of Compliance

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
80	Biennial Renewal Fee (Fee Decrease @ \$150)	\$12,000
Estimated Biennial Savings for the Life of the Rule		\$12,000

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The above figures are based on FY2012 actuals.
2. It is anticipated that the total savings will occur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2193—Interior Design Council
Chapter 5—Continuing Education**

PROPOSED AMENDMENT

20 CSR 2193-5.010 Requirements. The council is proposing to amend section (3).

PURPOSE: This amendment removes the requirement for an affidavit of continuing education and allows licensees to attest to continuing education.

(3) A registrant shall provide verification of completion of continuing education during the prior registration period by *[affidavit]* **attestation** on a form provided by the council at the time of renewal. *[The affidavit shall contain a truthful statement of courses approved by the council and taken by the registrant.]* Registrants shall maintain their evidence of course participation or course completion certificates/transcripts for a period of five (5) years from the date the registrant's application for renewal and *[affidavit]* **attestation** of continuing education was submitted to the council. Such evidence shall be submitted upon request by the council.

AUTHORITY: section[s] 324.412, RSMo 2000, and section 324.418, RSMo Supp. [2006] 2012. This rule originally filed as 4 CSR 193-5.010. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-5.010, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006, effective June 30, 2007. Amended: Filed May 22, 2013.

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 Interior Design Council, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, facsimile at (573) 526-3489, or via email at intdesn@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.*