Volume 39, Number 24
Pages 2107–2174
December 15, 2014

SALUS POPULI SUPREMA LEX ESTO

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

Jason Kander

Secretary of State

MISSOURI REGISTER

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

JASON KANDER

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: $56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER
Office of the Secretary of State
Administrative Rules Division
PO Box 1767
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is http://www.sos.mo.gov/adrules/moreg/moreg.asp and the CSR is http://www.sos.mo.gov/adrules/csr/csr.asp. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2014. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by email at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.

MISSOURI REGISTER

December 15, 2014

Vol. 39 No. 24 **Pages 2107–2174**

IN THIS ISSUE:

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
August 1, 2014	**September 2, 2014**	September 30, 2014	October 30, 2014
August 15, 2014	**September 15, 2014**	September 30, 2014	October 30, 2014
September 2, 2014	**October 1, 2014**	October 31, 2014	November 30, 2014
September 15, 2014	**October 15, 2014**	October 31, 2014	November 30, 2014
October 1, 2014	**November 3, 2014**	November 30, 2014	December 30, 2014
October 15, 2014	**November 17, 2014**	November 30, 2014	December 30, 2014
November 3, 2014	**December 1, 2014**	December 31, 2014	January 30, 2015
November 17, 2014	**December 15, 2014**	December 31, 2014	January 30, 2015
December 1, 2014	**January 2, 2015**	January 29, 2015	February 28, 2015
December 15, 2014	**January 15, 2015**	January 29, 2015	February 28, 2015
January 2, 2015	**February 2, 2015**	February 28, 2015	March 30, 2015
January 15, 2015	**February 17, 2015**	February 28, 2015	March 30, 2015
February 2, 2015	**March 2, 2015**	March 31, 2015	April 30, 2015
February 17, 2015	**March 16, 2015**	March 31, 2015	April 30, 2015
March 2, 2015	**April 1, 2015**	April 30, 2015	May 30, 2015
March 16, 2015	**April 15, 2015**	April 30, 2015	May 30, 2015
April 1, 2015	**May 1, 2015**	May 31, 2015	June 30, 2015
April 15, 2015	**May 15, 2015**	May 31, 2015	June 30, 2015
May 1, 2015	**June 1, 2015**	June 30, 2015	July 30, 2015
May 15, 2015	**June 15, 2015**	June 30, 2015	July 30, 2015

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

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2014), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library
PO Box 1486, 3021 High Ridge
High Ridge, MO 63049-1486
(314) 677-8689

Jefferson College Library
1000 Viking Drive
Hillsboro, MO 63050-2441
(314) 789-3951 ext. 160

St. Louis Public Library
1301 Olive St.
St. Louis, MO 63103-2389
(314) 539-0376

St. Louis University Law Library
3700 Lindell Blvd.
St. Louis, MO 63108-3478
(314) 977-2742

Eden/Webster Library
Eden Theological Seminary/
Webster University
475 East Lockwood Ave.
St. Louis, MO 63119-3192
(314) 961-2660 ext. 7812

Thomas Jefferson Library
University of Missouri-St. Louis
8001 Natural Bridge Road
St. Louis, MO 63121-4499
(314) 516-5084

Washington University Law Library
Washington University
Campus Box 1171, Mudd Bldg.,
One Brookings Dr.
St. Louis, MO 63130-4899
(314) 935-6443

St. Louis County Library
1640 S. Lindbergh Blvd.
St. Louis, MO 63131-3598
(314) 994-3300 ext. 247

Library
Maryville University
13550 Conway Road
St. Louis, MO 63141-7232
(314) 529-9494

Pickler Memorial Library
Truman State University
100 E. Normal
Kirksville, MO 63501-4221
(660) 785-7416

Learning Resources Center
Mineral Area College
PO Box 1000
Park Hills, MO 63601-1000
(573) 431-4593

Cape Girardeau Public Library
711 N. Clark
Cape Girardeau, MO 63701-4400
(573) 334-5279

Kent Library
Southeast Missouri State University
One University Plaza
Cape Girardeau, MO 63701-4799
(573) 651-2757

Riverside Regional Library
PO Box 389, 1997 E. Jackson Blvd.
Jackson, MO 63755-0389
(573) 243-8141

Rutland Library
Three Rivers Community College
2080 Three Rivers Blvd.
Poplar Bluff, MO 63901-2393
(573) 840-9656

James C. Kirkpatrick Library
University of Central Missouri
142 Edwards Library
Warrensburg, MO 64093-5020
(660) 543-4149

Kansas City Public Library
14 West 10th Street
Kansas City, MO 64105
(816) 701-3546

Law Library
University of Missouri-Kansas City
5100 Rockhill Road
Kansas City, MO 64110-2499
(816) 235-2438

Miller Nichols Library
University of Missouri-Kansas City
5100 Rockhill Road
Kansas City, MO 64110-2499
(816) 235-2438

B.D. Owens Library
Northwest Missouri State University
800 University Drive
Maryville, MO 64468-6001
(660) 562-1841

St. Joseph Public Library
927 Felix Street
St. Joseph, MO 64501-2799
(816) 232-8151

Hearnes Learning Resources Ctr.
Missouri Western State University
4525 Downs Drive
St. Joseph, MO 64507-2294
(816) 271-5802

Library
North Central Missouri College
PO Box 111, 1301 Main Street
Trenton, MO 64683-0107
(660) 359-3948 ext. 325

Spiva Library
Missouri Southern State University
3950 East Newman Road
Joplin, MO 64801-1595
(417) 625-9342

Missouri State Library
600 West Main, PO Box 387
Jefferson City, MO 65102-0387
(573) 751-3615

Missouri State Archives
600 West Main, PO Box 778
Jefferson City, MO 65102-0778
(573) 526-6711

Elmer Ellis Library
University of Missouri-Columbia
106 B Ellis Library
Columbia, MO 65211-5149
(573) 882-0748

Library
State Historical Society of Missouri
1020 Lowry St.
Columbia, MO 65211-7298
(573) 882-9369

Daniel Boone Regional Library
PO Box 1267, 100 West Broadway
Columbia, MO 65205-1267
(573) 443-3161 ext. 359

School of Law
University of Missouri-Columbia
224 Hulston Hall
Columbia, MO 65211-0001
(573) 882-1125

Smiley Memorial Library
Central Methodist University
411 Central Methodist Square
Fayette, MO 65248-1198
(660) 248-6279

Library
Missouri University of Science and
Technology
1870 Miner Circle
Rolla, MO 65409-0060
(573) 341-4007

Lebanon-Laclede County Library
915 S. Jefferson Ave.
Lebanon, MO 65536-3017
(417) 532-2148

University Library
Southwest Baptist University
1600 University Ave.
Bolivar, MO 65613-2597
(417) 328-1631

Barry-Lawrence Regional Library
213 6th St.
Monett, MO 65708-2147
(417) 235-6646

Lyons Memorial Library
College of the Ozarks
General Delivery
Point Lookout, MO 65726-9999
(417) 334-6411 ext. 3551

Garnett Library
Missouri State University—West
Plains
304 Cleveland
West Plains, MO 65775-3414
(417) 255-7945

Springfield-Greene County Library
4653 S. Campbell
Springfield, MO 65801-0760
(417) 874-8110

Meyer Library
Missouri State University
PO Box 175, 901 S. National
Springfield, MO 65804-0095
(417) 836-4533

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.

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

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

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

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 3—Prevailing Wage Law Rules

EMERGENCY AMENDMENT

8 CSR 30-3.060 Occupational Titles of Work Descriptions. The division is amending subsections (8)(X) and (8)(Y).

PURPOSE: This amendment adds the work description language for "Marble Finisher," "Terrazzo Finisher," and "Tile Finisher" so that it is the same as that adopted by order of the Labor and Industrial Relations Commission. This amendment also modifies the headings used in the rule to reflect the division of the existing occupational titles into subclassifications.

EMERGENCY STATEMENT: This amendment implements new descriptions of work (occupational titles) for "Marble Finisher," "Terrazzo Finisher," and "Tile Finisher" applicable to public construction work as adopted by orders of the Labor and Industrial Relations Commission issued on June 10, 2014, in the matter of Objection Nos. 006-037 filed by the Bricklayers and Allied Craftworkers Administrative Council of Eastern Missouri and Objection Nos. 038-121 filed by the Bricklayers and Allied Craftworkers Local Union No. 15. The amendment will enable the Division of Labor Standards of the Missouri Department of Labor and Industrial Relations to collect wage information for these new occupational titles and to determine prevailing wage rates for this type of work from that wage information to be included in Annual Wage Orders beginning in 2015. This amendment also modifies the headings used in the amendment to reflect the division of the existing occupational titles, Terrazzo Worker-Marble Mason and Tile Setter, into subclassifications.

*This amendment must be implemented immediately to provide notice to contractors, unions, and other interested parties of the new occupational titles, to allow these interested parties to gather wage data applicable to the new titles to provide to the Division of Labor Standards, and to enable the division to determine the prevailing wage rates in each county for these new titles from the data provided and then include these rates in the next Annual Wage Order. Each year's Annual Wage Order must be filed with the secretary of state by March 10, as provided in section 290.262.1 & .4, RSMo. The Annual Wage Order sets out the minimum wage rates that must be paid to workers in each occupational title in each county for their work on public construction projects in those counties during the following year. As a result, the Division of Labor Standards finds that an early effective date for this amendment is necessary to preserve the compelling governmental interest of establishment of an Annual Wage Order that reflects all recognized occupational titles and provides prevailing wage rates for those occupational titles. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Division of Labor Standards believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 7, 2014, becomes effective November 17, 2014, and expires on May 15, 2015.*

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

(X) Terrazzo and Marble Occupational Titles—This subsection sets forth work descriptions for three (3) occupational titles related to terrazzo and marble work.

*[(X)]***1.** Terrazzo Worker-Marble Mason—The *[workers performing]* work falling within the occupational title of work description for *[terrazzo worker-marble mason]* **Terrazzo Worker-Marble Mason** includes:

*[1.]***A.** The installing of marble, mosaic, venetian enamel and terrazzo; the cutting and assembling of mosaics and art ceramics; the casting of all terrazzo on the job site; all rolling of terrazzo work;

*[2.]***B.** The preparing, cutting, layering or setting of metal, composition or wooden strips and grounds on all bedding above concrete floors or walls; and the laying and cutting of metal, strips, lath or other reinforcement, where used in terrazzo work;

*[3.]***C.** The installing of cement terrazzo, magnesite terrazzo, dex-o-tex terrazzo, epoxy matrix terrazzo, exposed aggregate. Rustic or rough wash of exterior or interior of buildings. The mixturing or applying of any other kind of mixtures of plastics composed of chips or granules of marble, granite, blue stone, enamel, mother of pearl, quartz ceramic colored quartz, and all other kinds of chips or granules when mixed with cement, rubber, neoprene, vinyl, magnesium chloride or any other resinous or chemical substances used for seamless flooring systems. The applying of binding materials when used on walls, floors, ceilings, stairs, saddles or any other part of the interior or exterior of the building, or other work not considered a part of the building such as fountains, swimming pools;

*[4.]***D.** The finishing of cement floors where additional aggregate of stone is added by spreading or sprinkling on top of the finished base and troweled or rolled into the finish and then the surface ground by grinding machines (When no additional stone aggregate is added to the finished mixture, even though the surface may be ground, the work falls within the occupational title of work description for cement masons.); and

*[5.]***E.** The carving, cutting and setting of all marble, slate, including slate backboards, stone, albereen, carrara, sanionyx, vitrolite and similar opaque glass, scaglioa, marbleithic and all artificial, imitation or case marble of whatever thickness or dimension. This shall apply to all interior work, such as sanitary, decorative and other purposes inside of buildings of every description wherever required, including all polish, honed or sand finish;

2. Marble Finisher—The work falling within the occupational title of work description for Marble Finisher includes:

A. The preparation of floors, and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Marble Mason installation of construction materials on floor and/or walls; the movement of marble installation materials, tools, machines, and work devices to work areas; the erection of scaffolding and related installation structures;

B. The movement of marble slabs for installation; the drilling of holes and the chiseling of channels in edges of marble slabs to install wall anchors, using power drill and chisel; the securing of marble anchors to studding, using and covering ends of anchors with plaster to secure anchors in place;

C. The supply and mixture of construction materials for Marble Mason; the mixture of grout, as required, following standard formulas and using manual or machine mixing methods; the application of grout to installed marble; the movement of mixed mortar or plaster to installation area, manually or using wheelbarrow;

D. The removal of excess grout, using wet sponge; the cleaning of installed marble surfaces, work and storage areas, installation tools, machinery, and work aids, using water and cleaning agents;

E. The modification of mixing, material moving, grouting, polishing, and cleaning metal pieces, using a torch, spatula, and heat sensitive adhesive and filler;

F. The removal of marble installation materials and related debris from immediate work area; the storing of marble, installation material tools, machines, and related items; and

G. The provision of assistance to Marble Mason with the following tasks: bending or forming of wire to form metal anchors, using pliers; inserting anchors into holes of marble slab; securing anchors in place with wooden stakes and plaster; selecting marble slab for installation following numbered sequences or drawings; grinding and polishing marble, using abrasives, chemical and/or manual, in machine grinding and/or polishing techniques, under Marble Mason's direction; the moving and positioning of marble;

3. Terrazzo Finisher—The work falling within the occupational title of work description for Terrazzo Finisher includes:

A. The preparation of floors, and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Terrazzo Worker installation of construction materials on floors, base and/or walls; the moving of terrazzo installation materials, tools, machines, and work devices to area, manually or using wheelbarrow;

B. The supply and mixture of construction materials for Terrazzo Worker; the preparation, mixture by hand, mixture by mixing machine, or transportation of pre-mixed materials and the distribution with shovel, rake, hoe or pail, of all kinds of concrete foundations necessary for mosaic and terrazzo work; the dumping of mixed materials that form base or top surface of terrazzo into prepared installation site, using wheelbarrow; the measuring of designated amounts of ingredients for terrazzo or grout, using graduated containers and scale, following standard formulas and specifications, and the loading of portable mixer using proper means of transport; the mixture of materials according to experience and requests from Terrazzo Worker;

C. The spreading of marble chips or other material over fresh terrazzo surface and the pressing of the material into terrazzo by use of a roller; the application of grout finishes to surfaces of installed terrazzo; the spreading of grout across terrazzo to finish surface imperfections, using trowel; the installation of grinding stones in power grinders, using hand tools; the fine grinding and polishing of the surface of terrazzo, when grout has set, using power grinders; the application of curing agent to installed terrazzo to promote even curing, using brush or sprayer; the cutting of grooves in terrazzo stairs, using power grinder, and the filling of grooves with nonskid material;

D. The modification of mixing, grouting, grinding, and cleaning position and the securing of moisture membrane and wire mesh prior to pouring base materials for terrazzo installation;

E. The washing of the surface of polished terrazzo, using cleaner and water, and the application of sealer, according to manufacturer specifications, using brush; the cleaning of the installation site, and storage areas, tools, machines, and equipment; the removal of Terrazzo Worker materials and related debris from immediate work area; and

F. The provision of assistance to Terrazzo Worker with the following tasks: grinding surfaces of cured terrazzo; using power grinders;

(Y) Tile Occupational Titles—This subsection sets forth work descriptions for two (2) occupational titles related to tile work.

*[(Y)]***1.** Tile Setter—**The work falling within the occupational title of work description for Tile Setter includes:**

A. *[Applies to workers who apply]* **The application of** tile to floors, walls, ceilings, stair treads, promenade roof decks, garden walks, swimming pools and all places where tiles may be used to form a finished surface for practical use, sanitary finish or decorative purpose. (Tile includes all burned clay products, as used in the tile industry, either glazed or unglazed, all composition materials; all substitute materials in single units up to and including, fifteen inches by twenty inches by two inches (15" × 20" × 2") (except quarry tiles larger than nine inches by eleven inches (9" × 11")) and all mixtures in the form of cement, plastics and metals that are used as a finished surface.)**;** *[The work falling within this occupational title of work description includes:]*

*[1.]***B.** The cutting and shaping of tile with saws, tile cutters and biters; and

*[2.]***C.** The positioning of tile and tapping it with a trowel handle to affix tile to plaster or adhesive base*[; and]*.

2. Tile Finisher—The work falling within the occupational title of work description for Tile Finisher includes:

A. The preparation of floors and/or walls by scraping, sweeping, grinding, and related methods for Tile Setter to install construction materials on floors and walls; the movement of tiles, tile setting tools, and work devices from storage area to installation site manually or using wheelbarrow;

B. The supply and mixture of materials for Tile Setter; the supply and mixture of construction materials for Tile Setter; the mixture of mortar and grout accordingly to standard formulas and request from Tile Setter using bucket, water hose, spatulas, and portable mixer; the modification of mixing, grouting, grinding, and cleaning procedures according to type of installation or material used; the supply to Tile Setter of mortar, using wheelbarrow and shovel; the application of grout between joints of installed tile, using grouting trowel; the application of grout; the cutting of installed tile;

C. The removal of excess grout from tile joints with a sponge and scraping of corners and crevices with a trowel; the application of caulk, sealers, acid, steam, or related agents to caulk, seal, or clean installed tile, using various application devices and equipment;

D. The wiping of surfaces of tile after grouting to remove grout residue and polish tile, using non-abrasive materials; the removal of Tile Setter materials and related debris from immediate work area; the cleaning of installation site, mixing and storage tools, and equipment, using water and various cleaning tools;

the storing of tile setting material machines, tools, and equipment; and

E. The provision of assistance to Tile Setter to secure position of metal lath, wire mesh, felt paper, Dur/rock or wonderboard prior to installation of tile; and

AUTHORITY: section 290.240.2., RSMo 2000. Original rule filed Sept. 15, 1992, effective May 6, 1993. For intervening history, please consult the ***Code of State Regulations****. Emergency amendment filed Nov. 7, 2014, effective Nov. 17, 2014, and expires May 15, 2015. A proposed amendment covering this same material is published in this issue of the* ***Missouri Register****.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program

EMERGENCY AMENDMENT

13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates. The division is adding paragraph (3)(A)18.

PURPOSE: This amendment provides for a per diem increase to nursing facility and HIV nursing facility per diem reimbursement rates by granting a one dollar and twenty-five cents ($1.25) increase to the current per diem rate effective for dates of service beginning July 1, 2014.

EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division, by rule and regulation, must define the reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance. Effective for dates of service beginning July 1, 2014, the appropriation by the General Assembly included additional funds to increase nursing facilities' and HIV nursing facilities' reimbursements to account for a trend adjustment for State Fiscal Year (SFY) 2015. The MO HealthNet Division is carrying out the General Assembly's intent by providing for a per diem increase to nursing facility and HIV nursing facility reimbursement rates through the implementation of a trend adjustment of one dollar and twenty-five cents ($1.25) effective for dates of service beginning July 1, 2014. The trend adjustment is necessary to ensure that payments for nursing facility and HIV nursing facility per diem rates are in line with the funds appropriated for that purpose. There is a total of five hundred and three (503) nursing facilities and HIV nursing facilities currently enrolled in MO HealthNet which will receive a per diem increase to its reimbursement rate effective for dates of service beginning July 1, 2014. This emergency amendment will ensure payment for nursing facility and HIV nursing facility services to approximately twenty-four thousand (24,000) senior Missourians in accordance with the appropriation authority. For the State Fiscal Year 2015 payment to be made, a Medicaid State Plan Amendment was required to be submitted and approved by the Centers for Medicare and Medicaid Services (CMS). The State Plan Amendment was approved by CMS on October 14, 2014 but the proposed state regulation amendment will not be effective until January 30, 2015. This emergency amendment must be implemented on a timely basis to ensure that quality nursing facility and HIV nursing facility services continue to be provided to MO HealthNet participants in nursing facilities and HIV nursing facilities during state fiscal year 2015 in accordance with the appropriation authority. As a result, the MO HealthNet Division finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires emergency action. The MO HealthNet Division has a compelling governmental interest in providing continued cash flow for nursing facility and HIV nursing facility services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the ***Missouri*** *and* ***United States Constitutions****. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material was published in the* ***Missouri Register*** *on August 15, 2014 (39 MoReg 1373–1375). The final order of rulemaking relating to that proposed amendment was filed with the Joint Committee on Administrative Rules on September 25, 2014, and was filed with the secretary of state on October 28, 2014. This emergency amendment was filed November 7, 2014, becomes effective November 17, 2014, and expires January 31, 2015.*

(3) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed in 13 CSR 70-10.015, a nursing facility's reimbursement rate may be adjusted as described in this section. Subject to the limitations prescribed in 13 CSR 70-10.080, an HIV nursing facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. FY-96 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per diem effective October 1, 1995, of four and six-tenths percent (4.6%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

2. FY-97 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of three and seven-tenths percent (3.7%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

3. Nursing Facility Reimbursement Allowance (NFRA). Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents ($2.45) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents ($1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

6. FY-98 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of three and four-tenths percent (3.4%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

7. FY-99 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of two and one-tenth percent (2.1%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

8. FY-2000 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of one and ninety-four hundredths percent (1.94%) of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

9. FY-2004 nursing facility operations adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003, through June 30, 2004, of four dollars and thirty-two cents ($4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents ($3.78); and

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003, and is effective for payment dates after August 1, 2003.

10. FY-2007 quality improvement adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006, of three dollars and seventeen cents ($3.17) to improve the quality of life for nursing facility residents; and

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006, and is effective for dates of service beginning July 1, 2006, and after.

11. FY-2007 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007, of three dollars and zero cents ($3.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007, and is effective for dates of service beginning February 1, 2007, for payment dates after March 1, 2007.

12. FY-2008 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007, and is effective for dates of service beginning July 1, 2007.

13. FY-2009 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2008, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2008, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2008, and is effective for dates of service beginning July 1, 2008.

14. FY-2010 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2009, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2009, of five dollars and fifty cents ($5.50) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2009, and is effective for dates of service beginning July 1, 2009.

15. FY-2012 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on October 1, 2011, shall be granted an increase to their per diem rate effective for dates of service beginning October 1, 2011, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of September 30, 2011, and is effective for dates of service beginning October 1, 2011; and

C. This increase is contingent upon the federal assessment rate limit increasing to six percent (6%) and is subject to approval by the Centers for Medicare and Medicaid Services.

16. FY-2013 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2012, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2012, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2012, and is effective for dates of service beginning July 1, 2012; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

17. FY-2014 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2013, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2013, of three percent (3.0%) of their current rate, less certain fixed cost items. The fixed cost items are the per diem amounts included in the facility's current rate from the following: subsection (2)(O) of 13 CSR 70-10.110, paragraphs (11)(D)1., (11)(D)2., (11)(D)3., (11)(D)4., (13)(B)3. and (13)(B)10. of 13 CSR 70-10.015;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2013, and is effective for dates of service beginning July 1, 2013; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

18. FY-2015 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2014, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2014, of one dollar and twenty-five cents ($1.25) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2014, and is effective for dates of service beginning July 1, 2014; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

*AUTHORITY: section 208.159, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. [2013] **2014**. Original rule filed July 1, 2008, effective Jan. 30, 2009. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 15, 2014. Emergency amendment filed Nov. 7, 2014, effective Nov. 17, 2014, expires Jan. 31, 2015.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2014.

EXECUTIVE ORDER
14-14

WHEREAS, the City of Ferguson and the St. Louis region have experienced periods of unrest over the past three months; and

WHEREAS, the United States Department of Justice and St. Louis County authorities are conducting separate criminal investigations into the facts surrounding the death of Michael Brown; and

WHEREAS, the United States Department of Justice and St. Louis County authorities could soon announce the findings of their independent criminal investigations; and

WHEREAS, regardless of the outcomes of the federal and state criminal investigations, there is the possibility of expanded unrest; and

WHEREAS, the State of Missouri will be prepared to appropriately respond to any reaction to these announcements; and

WHEREAS, our citizens have the right to peacefully assemble and protest and the State of Missouri is committed to protecting those rights; and

WHEREAS, our citizens and businesses must be protected from violence and damage; and

WHEREAS, an invocation of the provisions of Sections 44.010 through 44.130, RSMo, is appropriate to ensure the safety and welfare of our citizens.

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 44.010 through 44.130, RSMo, do hereby declare a State of Emergency exists in the State of Missouri.

I further direct the Missouri State Highway Patrol together with the St. Louis County Police Department and the St. Louis Metropolitan Police Department to operate as a Unified Command to protect civil rights and ensure public safety in the City of Ferguson and the St. Louis region.

I further order that the St. Louis County Police Department shall have command and operational control over security in the City of Ferguson relating to areas of protests, acts of civil disobedience and conduct otherwise arising from such activities.

I further order that the Unified Command may exercise operational authority in such other jurisdictions it deems necessary to protect civil rights and ensure public safety and that other law enforcement agencies shall assist the Unified Command when so requested and shall cooperate with operational directives of the Unified Command.

I further order, pursuant to Section 41.480, RSMo, the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to protect life and property and assist civilian authorities and it is further directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary to carry out requests processed through the Missouri State Highway Patrol and ordered by the Governor of the state to protect life and property and support civilian authorities.

This Order shall expire in thirty days unless extended in whole or in part by subsequent Executive Order.

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 17th day of November, 2014.

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 symbology 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 340—Division of Energy
Chapter 2—Energy *[Set-Aside Fund]* ***Loan Program***

PROPOSED AMENDMENT

4 CSR 340-2.010 Definitions. The department is amending sections (3), (4), (14), (17), (21), (24), (30), (31), and (41), deleting sections (1), (5), (13), (29), (35), (37), (38), (39), (42), and (43), adding new section (32), and renumbering as needed.

PURPOSE: This amendment renames the chapter title, makes grammatical improvements, deletes several defined terms that are not used in the regulation, and modifies the definitions of applicant, application cycle, energy-using system, facility, hospital, loan agreement, local government, repayment period, and technical assistance report.

[(1) Active loan means, a loan from the department to a borrower with a loan agreement on file signed by both parties and a corresponding balance of funds to be distributed and/or repaid.]

*[(2)]***(1)** Agricultural entity means a farm, ranch, or corporation engaged in growing, harvesting, or handling of crops, natural fibers, fruits, vegetables, plants or trees or feeding or care of livestock, poultry, or fish.

*[(3)]***(2)** Applicant means any school, hospital, small business, local government, **agricultural entity, not-for-profit organization, business, commercial, or industrial entity** or other energy-using sector or entity authorized by the department through administrative rule, which submits an application for loans or financial assistance to the department.

*[(4)]***(3)** Application cycle means the period or periods of time each year*[,]* that the department shall accept *[and receive]* applications for financial assistance under the provisions of sections 640.651 to 640.686, RSMo.

[(5) Authority means the Environmental Improvement and Energy Resources Authority.]

*[(6)]***(4)** Authorized official means an individual authorized to obligate an organization or entity.

*[(7)]***(5)** Borrower means a recipient of a loan or other financial assistance program funds subsequent to the execution of a loan or financial assistance documents with the department or other applicable parties, provided that a building owned by the state or an agency thereof, other than a state college or state university, shall not be eligible for loans or financial assistance pursuant to sections 640.651 to 640.686, RSMo.

*[(8)]***(6)** Building means—
(A) An existing structure; or
(B) Proposed new construction; or
(C) Any applicant-owned, group of closely situated structural units that are centrally metered or served by a central utility plant; or
(D) An eligible portion of any of these that includes an energy-using system.

*[(9)]***(7)** Business, industrial, and commercial entities mean corporations or other entities registered with the secretary of state to produce, manufacture, sell, or distribute goods or commodities; or to perform or deliver services.

*[(10)]***(8)** Department means the Department of Natural Resources.

*[(11)]***(9)** Director means the director of the Department of Natural Resources.

*[(12)]***(10)** Division means the Department of Natural Resources' Division of Energy.

[(13) Energy conservation loan account means an account to be established on the books of a borrower for purposes of tracking the receipt and expenditure of the loan funds or financial assistance, and to be used to receive and remit energy cost savings for purposes of making payments on the loan or financial assistance.]

*[(14)]***(11)** Energy conservation measure (or ECM) means an installation in a building or replacement or modification to an energy-using

system*[,]* that is primarily intended to maintain or reduce energy consumption and reduce energy costs*[,]* or allow the use of an alternative or renewable energy source.

*[(15)]***(12)** Energy conservation project (or project) means the design, acquisition, installation, operation, and commissioning of one (1) or more energy conservation measures.

*[(16)]***(13)** Energy-using sector or entity means an identified portion of the state's economy, which serves to provide structure to the allocation of loan funds.

*[(17)]***(14)** Energy-using *[process or]* system **(or system)** means energy-using equipment or a group of interacting mechanical or electrical components that use energy**, such as heating, ventilation, air conditioning, manufacturing, water treatment, or lighting systems**.

*[(18)]***(15)** Energy cost saving (or savings) means the value, in terms of dollars, that has **accrued** or is estimated to accrue from energy bill reductions or avoided costs due to an energy conservation project.

*[(19)]***(16)** Estimated simple payback means the estimated cost of a project divided by the estimated annual energy cost savings.

*[(20)]***(17)** Event of default means an activity or inactivity that results in the borrower's failure to discharge a duty as prescribed in the loan agreement or other documents furnished in support of the loan agreement.

*[(21)]***(18)** Facility means *[an energy-consuming process or system such as a building, group of buildings, outdoor lighting systems, water and wastewater systems, heating, ventilation, or air conditioning, manufacturing processes, or other systems]* **a building that contains or interacts with energy-using systems,** as determined by the department.

*[(22)]***(19)** Financial assistance means public or private funds reasonably available for loan or grant to a sector or entity desiring to implement an energy conservation project thereby facilitating the mission of the division.

*[(23)]***(20)** Fund means the "Energy Set-Aside Program Fund" established in section 640.665, RSMo.

*[(24)]***(21)** Hospital means a facility as defined in *[subsection 2. of]* section 197.020**(2)**, RSMo, including any medical treatment or related facility controlled by a hospital board.

*[(25)]***(22)** Hospital board means the board of directors having general control of the property and affairs of the hospital facility.

*[(26)]***(23)** Incremental cost means the additional cost, as approved by the department, of new construction due to the addition, design, and installation of higher efficiency or renewable energy options compared to acceptable minimum efficiency, consistent with regional minimum design practices, traditional design practices, or local codes where applicable.

*[(27)]***(24)** In-kind labor means the labor costs of an ECM that are performed by the borrower's employees and that may include wages, benefits, and other direct overhead costs as approved by the department.

*[(28)]***(25)** Interest means accrued interest on loans charged by the department.

[(29) Late payment fee means a penalty to be charged by the department on loan payments past due.]

*[(30)]***(26)** Loan agreement means a document executed by *[and among]* the applicant(s), the department, and other funding source(s), if applicable, that details all terms and requirements under which the loan will be made and *[is to be]* repaid.

*[(31)]***(27)** Local government means any county, city, **town,** or village; or any hospital district as such districts are defined in section 206.010, RSMo; or any sewer district as such districts are defined in section 249.010, RSMo; or any water supply districts as such districts are defined in section 247.010, RSMo; or any ambulance district as such districts are defined in section 190.010, RSMo; or any subdistrict of a zoological park and museum districts as such districts are defined in section 184.352, RSMo.

*[(32)]***(28)** Loan amount means the amount, stated in dollars in the loan agreement, determined by the department as eligible costs plus interest accrued that shall be repaid by the borrower.

*[(33)]***(29)** Not-for-profit organization means any corporation, trust, association, cooperative, or other organization which is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; uses its net proceeds to maintain, improve, and/or expand its operations; is tax exempt under the *Internal Revenue Code*; and is registered and in good standing with the secretary of state.

*[(34)]***(30)** Payback score means a numeric value derived from the review of an application, calculated as prescribed by the department, that may include, but shall not be limited to, an estimated simple payback or life-cycle costing method of economic analysis and used for purposes of ranking applications for the selection of loan and financial assistance recipients within the balance of program funds available.

[(35) Predicted baselines means estimated annual energy costs of a proposed energy-using system which incorporates acceptable minimum efficiency.]

*[(36)]***(31)** Project cost means all costs determined by the department to be directly related to the implementation of an energy conservation project, including initial installation in a new building, that shall include the incremental cost of higher-efficiency energy-using systems or renewable energy options either of which may be compared to a predicted baseline of energy consumption.

[(37) Project revision means any change in an approved ECM that the department determines materially alters the specification from a Technical Assistance Report or Technical Assistance Report equivalent filed with the applicant's original application to the department.]

[(38) Repayment period means, unless otherwise negotiated as required under section 640.660, RSMo, the period in years required to repay a loan or financial assistance as determined by the project's estimated simple payback or life-cycle costing analysis, and rounded to the next year where the estimated simple payback or life-cycle costing analysis is a fraction of a year.]

(32) Repayment period means the period, up to a maximum number of years as determined by the department for each loan cycle, required to repay a loan of financial assistance, unless otherwise negotiated as required under section 640.660, RSMo.

[(39) Residential unit means a freestanding, single-family home that serves as a primary place of residence or a unit

in a multi-unit building providing complete, permanent provisions for living and sleeping that serves as a primary place of residence for the occupants.]

*[(40)]***(33)** School is defined in section 640.651, RSMo.

*[(41)]***(34)** Technical Assistance Report (or TAR) means a specialized engineering report, subject to approval by the department, that identifies and specifies the quantity of energy savings and related energy cost savings that are likely to result from the implementation of one (1) or more energy conservation or renewable energy measures. **The TAR need not be prepared by a professional engineer, if the department determines that the adequate performance of the TAR analysis for any project does not require engineering education, training, and experience.**

[(42) Technical Assistance Report equivalent (or TAR equivalent) means an abbreviated Technical Assistance Report, subject to approval by the department, to identify measures that have been proven cost-effective over time and do not require a more comprehensive analysis.]

[(43) Unobligated balance means that amount in the fund that has not been dedicated to any projects at the end of each state fiscal year.]

*AUTHORITY: sections 640.651–640.686, RSMo 2000 and RSMo Supp. [2010] **2014**. This rule originally filed as 10 CSR 140-2.010. Original rule filed April 2, 1988, effective Sept. 1, 1988. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 17, 2014.*

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 Department of Economic Development – Division of Energy, 301 West High Street, Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 340—Division of Energy
Chapter 2—Energy *[Set-Aside Fund]* *Loan Program*

PROPOSED AMENDMENT

4 CSR 340-2.020 General Provisions. The department is amending (1)(A), (2), (4)(A), (5)(A), (5)(B), (7)(A), (8)(A), (8)(D), and (10)(A).

PURPOSE: This amendment changes references from the "Energy Set-Aside Fund" to the "Energy Loan Program"; removes references to "technical assistance report equivalent"; removes the requirement that a technical assistance report be signed and sealed by a professional engineer, to be consistent with authorizing statute; and allows the department to deem certain costs incurred after the announcement of a loan application cycle to be loan-eligible project costs.

(1) Eligibility.

(A) Energy-using sectors or entities as defined in 10 CSR 140-2.010 and as designated and announced by the department in accord with 10 CSR 140-2.020(2) are eligible to submit an application for loan funds or financial assistance to implement an energy **conservation** project *[pursuant to section 640.651(1), RSMo, providing]* **provided** the following criteria are met by the applicant:

1. The applicant's proposed project must be located within the borders of Missouri;

2. The applicant must own and operate the building, facility, or system associated with the proposed project unless otherwise agreed to by the department;

3. The building, facility, or system proposed to receive Energy Conservation Measures (ECMs) must have a useful life and an expected operational life greater than the loan repayment period as determined by the department;

4. The applicant must not be in default or have a pending event of default;

5. The applicant must have no outstanding or known unresolved actions for violations of applicable federal, state, or local laws, ordinances, and rules; and

6. The applicant must not be an electric or natural gas utility.

(2) Application Cycle(s) Information. Application cycle(s) information including cycle opening and closing dates, information designating eligible applicant sectors for each application cycle, allocation of total dollars available for loans in each designated applicant sector, and interest rates will be published periodically by the department in the "In Addition" section of the *Missouri Register* and through other public information methods. Information relating to selection criteria and other relevant information or guidance is available by contacting the Division of Energy's Energy *[Set-Aside Fund]* **Loan Program**, Program Clerk, PO Box 176**6**, Jefferson City, MO 65102.

(4) Application.

(A) Application for loan funds may be submitted for the purpose of implementing an energy conservation project. A Technical Assistance Report (TAR) *[signed and sealed by a Missouri registered professional engineer or a TAR equivalent]* must accompany the application or be on file with the department. The application and TAR *[or TAR equivalent]* shall be in a form required by the department which the department may revise from time-to-time. A copy of the application form and TAR *[or TAR equivalent]* format may be obtained from the Division of Energy's Energy *[Set-Aside Fund]* **Loan Program**, Program Clerk, PO Box 176**6**, Jefferson City, MO 65102.

(5) ECM Eligibility.

(A) All ECMs for which financial assistance is being sought must be identified in a TAR *[or TAR equivalent]*.

1. A project comprised of one (1) or more ECMs must have a payback score, as determined by the department, of at least six (6) months and no more than ten (10) years or eighty percent (80%) of the expected useful life of the ECMs when the expected useful life exceeds ten (10) years. The expected useful life shall not exceed twenty (20) years. At the department's discretion, an energy conservation loan may be approved that couples an energy conservation project with an applicant's capital improvement project provided the loan amount from the department complies with the limitations described earlier in this paragraph.

2. The department may determine that an applicant with any portion of an ECM completed, purchased, in progress, or initiated in any manner prior to loan award is ineligible to receive loan funds for that ECM. Eligible project costs are limited to those specified in the loan agreement or associated documents.

3. The expected useful life of a proposed ECM must exceed the ECM's *[estimated simple payback]* **repayment period**.

(B) All costs*[, including in-kind labor costs performed]* **incurred** after **the current** loan *[application]* **cycle announcement is published in the "In Addition,"** that are associated with the installation of an ECM**, including in-kind labor costs and energy audits subject to the limitations in paragraph (5)(A)2. of this section,** may

be eligible as project costs. The loan agreement or associated documents will specify the portion of the project in the application that is eligible for reimbursement.

(7) Loan Execution.

(A) An applicant approved for a loan *[will be required to]* **shall** execute a loan agreement in a form *[provided]* **prescribed** by the department that *[shall identify]* **identifies** the buildings, facility, system or equipment associated with the implementation of the project, the approved ECMs, loan amount and loan terms and conditions. A **properly formatted** copy of the loan agreement *[format required by the department]* is available from the Division of Energy's Energy *[Set-Aside Fund]* **Loan Program**, Program Clerk, P*[.]*O*[.]* Box 176**6**, Jefferson City, MO 65102.

(8) Borrower Responsibilities.

(A) The borrower shall retain the *[technical assistance report]* **TAR**, loan documents and all internal records directly related to the loan and project from the date the loan is executed to three (3) years after the loan agreement is retired or longer in the event of open audit findings or ongoing litigation. Upon receipt of a reasonable request, borrower will provide a copy of relevant records to the department. The borrower shall provide the requested records no later than ten (10) working days after receipt of request as evidenced by certified mail receipt.

(D) Within thirty (30) days after the completion of the project, the borrower shall submit to the department a project final cost report. A form is available from the Division of Energy's Energy *[Set-Aside Fund]* **Loan Program**, Program Clerk, P*[.]*O*[.]* Box 176**6**, Jefferson City, MO 65102.

(10) Events of Default.

(A) For purposes of *[administrating]* **administering** the Energy *[Set-Aside Fund]* **Loan Program**, an event of default shall include, but not be limited to, the following:

1. A failure by the borrower to make a timely payment on the loan;

2. Any material inaccuracy in any representation or warranty contained in, or made in connection with the execution and delivery of the loan agreement or in any other documents furnished in support of the loan agreement;

3. Any failure by the borrower in the performance of any term, covenant, or agreement contained in the loan agreement;

4. A finding that the borrower is insolvent, fails to pay its debts as they mature, or voluntarily files a petition seeking reorganization, the appointment of a receiver or trustee, or liquidation of the borrower or of a substantial portion of the borrower's assets, or to effect a plan or other arrangement with creditors; or an adjudication of bankruptcy against the borrower; or an involuntary assignment by the borrower for the benefit of creditors;

5. The filing of an involuntary petition against the borrower under any bankruptcy, insolvency or similar law or seeking the reorganization of or the appointment of any receiver, trustee or liquidator for the borrower, or of a substantial part of the property of the borrower, which is not dismissed within thirty (30) days, or the issuance of a writ or warrant of attachment or similar process against a substantial part of the property of the borrower which is not released or bonded within thirty (30) days of issue;

6. The rendering of any final judgment by a court of law against the borrower for the payment of an amount that materially affects the financial stability of the borrower or that may adversely affect any assets given as security for the borrower's obligations under the promissory note executed in accordance with the loan agreement that is not covered by liability insurance, and is not discharged within thirty (30) days of the date the judgment is rendered; or, the date such judgment is affirmed on appeal, provided that execution of the judgment was effectively stayed pending the appeal;

7. A finding that the borrower is in noncompliance with department rules and regulations and a failure to take appropriate action to resolve the noncompliance to the satisfaction of the department.

*AUTHORITY: sections 640.651–640.686, RSMo 2000 and RSMo Supp. [2010] **2014**. This rule originally filed as 10 CSR 140-2.020. Original rule filed July 6, 1998, effective Feb. 28, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 17, 2014.*

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 Department of Economic Development – Division of Energy, 301 West High Street, Suite 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 9—Logo Signing

PROPOSED RESCISSION

7 CSR 10-9.010 Public Information. This rule informed interested persons how to obtain information and materials about logo signing control.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

*AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 **United States Code** Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 2005, effective Sept. 30, 2005. Rescinded: Filed Nov. 14, 2014.*

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 9—Logo Signing

PROPOSED RESCISSION

7 CSR 10-9.020 Definitions. This rule provided definitions of terms.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

*AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 **United States Code** Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 2005, effective Sept. 30, 2005. Rescinded: Filed Nov. 14, 2014.*

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 9—Logo Signing

PROPOSED RESCISSION

7 CSR 10-9.030 Eligibility Requirements. This rule defined the requirements necessary to qualify a business for logo signing.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

*AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 **United States Code** Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 2005, effective Sept. 30, 2005. Rescinded: Filed Nov. 14, 2014.*

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 9—Logo Signing

PROPOSED RESCISSION

7 CSR 10-9.040 Specific Service Signs. This rule defined where eligible logo signing can be located.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

*AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 **United States Code** Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 2005, effective Sept. 30, 2005. Rescinded: Filed Nov. 14, 2014.*

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 9—Logo Signing

PROPOSED RESCISSION

7 CSR 10-9.050 Sign Design and Installation. This rule specified how the sign must be constructed and installed.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

*AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 **United States Code** Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 2005, effective Sept. 30, 2005. Rescinded: Filed Nov. 14, 2014.*

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 9—Logo Signing

PROPOSED RESCISSION

7 CSR 10-9.060 Administration. This rule provided information concerning obtaining, maintaining, and cost for logo signing.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

*AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 **United States Code** Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 2005, effective Sept. 30, 2005. Rescinded: Filed Nov. 14, 2014.*

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 17—Traffic Generators

PROPOSED RESCISSION

7 CSR 10-17.010 Signs for Traffic Generators. This rule provided standards for the selection and erection of signs by the Missouri Highways and Transportation Commission on highway right-of-way directing motorists to traffic generator sites within the state of Missouri authorized by section 226.525, RSMo which are consistent with section 131 of Title 23 of the *United States Code*.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

AUTHORITY: section 226.525, RSMo (1994) and 23 U.S.C. section 131. Original rule filed May 14, 1996, effective Nov. 30, 1996. Rescinded: Filed Nov. 14, 2014.*

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 17—Supplemental Guide Sign Program

PROPOSED RULE

7 CSR 10-17.020 Definitions

PURPOSE: This rule provides definitions of terms.

(1) "Advance TODS Sign" shall mean a Tourist Oriented Directional Signing (TODS) sign placed in advance of the normal TODS sign.

(2) "Alternate fuel" shall mean a fuel type other than gasoline or diesel that can be used to power a vehicle on the highway and includes, but is not limited to, ethanol blended gasoline (E-85), biodiesel (B-20), Compressed Natural Gas (CNG), or propane.

(3) "Cave" shall mean a state approved cave which has complied with all necessary requirements of the Division of Labor Standards' Mine Inspection Section and possesses a current certificate of annual inspection furnished and approved by that division.

(4) "College Emblem Sign" shall mean a supplemental guide sign displaying emblem panels of up to six (6) colleges or universities meeting the criteria in this rule on emblem panels.

(5) "College Traffic Generator Sign" shall mean a supplemental guide sign displaying the name and logo of up to three (3) colleges or universities meeting the criteria in this rule.

(6) "Commercial activity" shall mean any business or service activity generally recognized as commercial by zoning authorities in this state.

(7) "Commission" shall mean the Missouri Highways and Transportation Commission.

(8) "Crossroad" shall mean the roadway that intersects the main roadway.

(9) "Department" shall mean the Missouri Department of Transportation.

(10) "Emblem Panel" shall mean a panel which may display the name, logo, or a combination of both for a college or university meeting the criteria in this rule which is attached to a mainline sign or ramp sign or on a stand-alone trailblazer sign.

(11) "Exit Ramp" or "ramp" shall mean the connective roadway between the mainline and the crossroad at an interchange.

(12) "Expressway" shall mean a divided highway with limited numbers of at-grade accesses.

(13) "Fee" shall mean the amount of money assessed a qualified entity for participation in one (1) of the signing programs, which is paid prior to signs being installed.

(14) "First connection" shall mean the sign location in advance of the intersection where motorists turn off of the state highway system to arrive at the destination being signed for.

(15) "Freeway" shall mean a divided highway where access is fully controlled by interchanges.

(16) "General Service Logo plaque" shall mean a sign with white legend on blue background depicting the standard symbol for an alternate fuel. The design shall meet the department's standards.

(17) "Gore" shall mean the area immediately beyond the divergence point of the mainline highway and the exit ramp bounded by the edges of those traveled ways.

(18) "Interchange" shall mean an intersection that connects two (2) or more interconnecting roadways through the use of one (1) or more grade separations that provides for the movement of traffic between the interconnecting roadways on different elevations allowing uninterrupted flow of the mainline highway.

(19) "Intersection" shall mean the at-grade crossing of two (2) public roadways where the intersecting roadways are at the same elevations and are controlled by regulatory signs or traffic signals.

(20) "Interstate" shall mean the national system of interstate and defense highways located in Missouri as officially designated by the Missouri Highways and Transportation Commission in accordance with Title 23 of the *United States Code,* Sections 101 and 103, which is incorporated by reference and made a part of this rule as published by the United States Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, effective October 1, 2012. This rule does not incorporate any later amendments or additions.

(21) "Logo Panel" shall mean a panel which may display the name, brand, symbol, trademark, or a combination of these of a qualified entity which is attached to a mainline sign or ramp sign or serves as a stand-alone trailblazer sign when a directional arrow is installed below it.

(22) "Logo Program" or "Logos" shall mean specific service signing or a signing, which provides directional signing to businesses which offer motorist services (gas, food, lodging, camping, and twenty-four- (24-) hour pharmacy) and tourist attractions in the state of Missouri meeting the criteria of this rule.

(23) "Mainline Highway" or "mainline" shall mean the primary travel lanes of the interstate, freeway, or expressway.

(24) "Mainline Sign" shall mean the sign installed in advance of an interchange along the mainline of an interstate, freeway, or expressway informing motorists what services or attractions are accessible from that particular interchange.

(25) "Motorist Services" shall mean a business which provides one (1) or more of the following services: gas, food, lodging, camping, or twenty-four- (24-) hour pharmacy. Motorist Services shall only be associated with the Logo and TODS programs. The business must also meet the following criteria:

(A) Gas and diesel vehicular service stations shall provide fuel, oil, water, air, restroom facilities, drinking water, a telephone available for public use, and be in continuous operation at least twelve (12) hours a day, seven (7) days per week. Alternate vehicle fuels availability at these sites can be displayed as a secondary message at the bottom of a Logo panel or within the legend of the sign legend on a TODS sign. If this information cannot be displayed as part of the Logo or TODS sign, it may be displayed as a general service logo plaque placed below the gas Logo mainline and ramp signs or below the TODS sign for the facility offering the alternate fuel. A maximum of two (2) plaques may be displayed below a TODS sign, one (1) attached to each of the TODS sign posts. When general service logo plaques are used, the fuel station shall be within three (3) miles of the interchange, located along the crossroad of the interchange, be clearly visible from the crossroad and the availability of the alternate fuel shall be clearly identified on the on-premise signing of the fuel station. The distance to the service fuel station shall be displayed along with the general service logo where the distance is greater than one (1) mile;

(B) Food and restaurant facilities shall be approved and/or licensed by the state or political entity having jurisdiction and be in continuous operation to serve a minimum of two (2) meals a day (breakfast, lunch, and/or dinner), six (6) days a week and be open to the public a minimum of twelve (12) hours per day. The facility must have accommodations to seat a minimum of twenty (20) guests at tables indoors or a minimum of ten (10) drive-up ordering/eating stations. They must also provide restroom facilities and a telephone available for public use;

(C) Lodging, motel, and hotel facilities shall be approved and/or licensed by the state agency or political entity having jurisdiction and provide adequate sleeping accommodations and telephone availability for public use. The facility must have a minimum of ten (10) rooms and sufficient off street parking. The facility shall be open twenty-four (24) hours a day, seven (7) days a week;

(D) Camping and campground facilities shall be approved and/or licensed by the state agency or political entity having jurisdiction and provide modern sanitary facilities and drinking water. They must also provide a minimum of twenty (20) camping and parking spaces. The facilities shall be open twenty-four (24) hours a day, seven (7) days a week for a minimum of six (6) consecutive months per year. Signing for campgrounds operated on a seasonal basis will be covered with a blue background aluminum panel of appropriate size or removed from the sign during the off season; and

(E) Twenty-four- (24-) hour pharmacies shall be continuously operated twenty-four (24) hours per day, seven (7) days per week, and shall have a state-licensed pharmacist on duty at all times.

(26) "Owner" shall mean the holder of a fee title or the holder of a leasehold estate from the owner of real property representing the qualified entity.

(27) "Participation agreement" shall mean a contract between the program manager and each eligible entity participating in the programs outlined in this rule.

(28) "Program manager" shall mean a person representing the company awarded the administrative services contract for the purpose of operating the Logo, TODS, and Traffic Generator Programs and is authorized by the department to sign a participation agreement for marketing, management, installation, and maintenance of signs for these programs in accordance with these rules.

(29) "Qualified Entity" shall mean a site that meets one (1) of the following categories and meets all of the criteria listed in this rule:

(A) A tourist oriented activity;

(B) A motorist service;

(C) A state or federal agency which owns and operates a site offering recreational activities, sites of historical significance, or manages public lands open to the public;

(D) A state operated correctional facility;

(E) A Welcome Center Affiliate.; and

(F) A college or university, satellite campus, or community college which offers face-to-face classroom education as the primary purpose of the site.

(30) "Ramp Sign" shall mean the supplemental guide for the Logo or Traffic Generator Program installed along the interchange ramp providing directional information for each service or attraction accessible from that particular interchange.

(31) "Ramp Terminal" shall mean the intersection of the exit ramp and the crossroad.

(32) "Rural Area" shall mean an area in which the population is less than five thousand (5,000) persons.

(33) "Second connection" shall mean the sign location in advance of the intersection or interchange where motorists turn to access the state highway where first connection signing is provided.

(34) "Specific Service sign" shall mean a supplemental guide sign displaying Logo panels for specific businesses that provide eligible motorist services or tourist attractions as outlined in this rule.

(35) "Standard" shall mean the department's Standard Plans for Highway Construction and/or Standard Specifications for Highway Construction and/or policies found in the Engineering Policy Guide.

(36) "Third connection" shall mean the sign location in advance of the intersection or interchange where motorists turn to access the state highway where second connection signing is provided.

(37) "TODS Program" or "TODS" shall mean Tourist Oriented Directional Signing, a signing program, which provides directional signs to tourist oriented activities and motorist services in the state of Missouri meeting the criteria of this rule.

(38) "TODS sign" shall mean a sign displaying the name of qualified entities that provide eligible tourist attractions or motorist services as outlined in this rule displayed as a stand-alone sign or as part of a TODS sign assembly.

(39) "Tourist Attraction" shall mean a tourist oriented activity which means a natural phenomenon, historic site, cultural site, recreational site, educational site, museum, area of natural beauty, or commercial activity as defined below, a major portion of whose income or visitors are derived during the normal business season from motorists. Attendance in any consecutive twelve- (12-) month period shall meet or exceed the minimum requirements established in this rule for the Logo, TODS, or Traffic Generator programs. Tourist attractions shall be open for business at least four (4) hours per day, at least five (5) days per week, one (1) of which must be a Saturday or Sunday unless otherwise indicated in this rule, have public restroom facilities, and a minimum of ten (10) parking accommodations.

(A) "Natural phenomenon" shall mean a feature created by nature. Examples may include, but are not limited to, unusual rock formations, caves, geysers, or waterfalls.

(B) "Historic site" shall mean a structure, site, or district that has definite historical significance and shall be listed on the National Register of Historic Places.

(C) "Cultural site" shall mean any facility for the performing arts, exhibits, or concerts that is open to all age groups.

(D) "Museum" shall mean a facility open to the public at least one hundred (100) days per year, in which works of artistic, historical, or scientific value are cared for and exhibited to all age groups.

(E) "Educational site" shall include:

1. "Zoological" or "botanical park" shall mean a facility in which living animals, insects, or plants are kept and exhibited to the public;

2. "Facility tours" shall mean regularly scheduled tours of plants, factories, working farms, or institutions where the tours are conducted on a regularly scheduled daily basis for the general public without the need for reservations conducted during normal working hours of the facility. Tours shall be a minimum of thirty (30) minutes in duration. Tours shall be educational in format, informing the public how the products from the facility are produced or grown. The availability of tours shall be made known to the general public by posting the information on the facility website, pamphlets, and brochures or anywhere the hours of operation for the facility can be found. Retail outlets who do not fabricate or grow their products do not qualify; and

3."Wineries" or "breweries" which qualify in the educational category shall mean a licensed site which produces a minimum of five hundred (500) gallons of wine and/or beer per year, which is open to the public for guided tours, tasting, and sells a minimum of one hundred (100) days per year. The tours shall meet the requirements defined under "facility tours."

(F) "Area of natural beauty" shall mean a naturally occurring area of outstanding interest to the general public. Examples may include, but are not limited to, state or national parks, wilderness areas, lakes, rivers, canyons, or similar areas.

(G) "Recreational site" shall include:

1. "Recreational area" shall mean an area that includes, but is not limited to, bicycling, boating, fishing, swimming, hiking, rafting, picnicking, snowmobiling, cross country skiing, or snow skiing;

2. "Amusement parks" shall mean a permanent area which is open to the general public offering entertainment including, but not limited to, games, rides, and/or food services for all ages and is in operation more than three (3) consecutive months per year;

3. "Arenas" shall mean a stadium, sports complex, auditorium, fairgrounds, civic or convention center, or racetrack which have at least seating for five thousand (5,000) people holding public events open to all groups on at least one hundred (100) days of the year;

4. "Golf course" shall mean a facility open to the public and offering at least nine (9) holes of play. Miniature golf courses, driving ranges, and indoor golf shall not be eligible; and

5. "Excursion gambling boat" shall mean a boat, ferry, or other floating facility licensed by the gaming commission on which gambling games are allowed.

(40) "Traffic generator" shall be a qualified entity, not including motorist services, golf courses, or excursion gambling boat, which meet the criteria of this rule.

(41) "Traffic Generator Program" shall mean a supplemental guide sign program, which provides guidance to qualified entities, schools, governmental agencies, and colleges meeting the criteria in this rule.

(42) "Traffic Generator Sign" shall mean a supplemental guide displaying the name and logo, when permissible in this rule, of the qualified entity meeting the criteria in this rule.

(43) "Trailblazer sign" shall mean a sign with an arrow and site name/logo information which provides directional information for any necessary turns from the furthest extent of the signing to the qualified entity's location. Legal, off-premises, directional outdoor advertising may be substituted for trailblazer signs if erected prior to the installation of a Logo or TODS sign.

(44) "Urban Area" shall mean an area in which the population is greater than five thousand (5,000) persons.

(45) "Visible" shall mean that the message or advertising content of a sign, display, or device is capable of being seen without visual aid by a person of normal visual acuity. A sign shall be considered visible even though the message or advertising content may be seen but not read.

(46) "Welcome Center Affiliate" shall mean a local chamber of commerce, a local convention and visitor bureau, or an institution of higher education with an established tourism curriculum which

serves to increase the number of welcome centers in Missouri without expending state funds meeting the criteria of this rule.

*AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 **United States Code** Section 131(f). Material in this rule originally filed as 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22. Originial rule filed November 14, 2014.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 17—Supplemental Guide Sign Program

PROPOSED RULE

7 CSR 10-17.030 Administration

PURPOSE: This rule provides information concerning obtaining, maintaining, and cost for signing.

(1) This rule outlines the eligibility requirements to participate in the various signing programs. The construction, installation, and maintenance of the signs shall be in accordance with the "Supplemental Signing Program Rules" located in the department's Engineering Policy Guide.

(2) Signs covered in this rule only apply to commission roadways unless otherwise specified in this rule.

(3) Requests for participation in the Logo, Tourist Oriented Directional Signing (TODS), or Traffic Generator Programs must be submitted to the program manager by the owner or authorized representative of a qualified entity.

(4) Before any qualified entity is permitted to participate in the Logo, TODS, or Traffic Generator Programs, any existing illegal advertising devices pertaining to that qualified entity shall be removed.

(5) No qualified entity may discriminate or be discriminated against with regard to race, color, religion, sex, age, handicap, or national origin. Each qualified entity identified by a Logo, TODS, or Traffic Generator sign shall have furnished written and notarized certification to the program manager of its conformity with all applicable federal, state, and local laws, ordinances, rules and regulations, and shall not be in breach of that certification.

(6) A qualified entity shall enter into a participation agreement with the program manager.

(7) Signs may be removed after notification by certified mail a minimum of thirty (30) days in advance of permanent removal of a qualified entity's sign, for any of the following and no fees shall be refunded:

(A) Failure to pay fee;

(B) Failure to meet the minimum requirements set forth by these rules for each program type;

(C) Delinquency as to any of the previously mentioned violations; and

(D) A sign removed for any of the reasons in subsections (7)(A)–(7)(C) shall be charged a department approved fee for re-installation.

(8) If a business is closed due to fire, accident, remodeling, or other emergency for more than seven (7) days, but not more than ninety (90) days, the sign shall be covered to prevent inconveniencing the traveling public. The sign owner shall not lose its priority or be required to reapply prior to the normal expiration of its contract. Extensions of time beyond ninety (90) days may be granted; however, an owner who, due to his/her own negligence, fails to open within the ninety- (90-) day period, may lose his/her priority to occupy the space on the right-of-way. The participation agreement will not be extended due to fire, accident, remodeling, or other emergency.

(9) The fee to be paid shall be equal to the fees established by the department. A participation agreement with the qualified entity shall be executed for a term specified in each program. If an applicant chooses to not pay the fees agreed upon in the participation agreement, all signs will be removed from the commission right-of-way.

(10) At the end of their business season, a qualified entity not open year-round shall have their sign taken out of service with a "Closed" panel placed on their traffic generator sign(s), place a "Closed" panel and cover with a blue panel, or the program manager shall have the authority to remove their TODS or Logo sign.

(A) A qualified entity which has not received a sign(s) due to insufficient space shall not utilize the space made available by a qualified entity's sign which has been removed during the off-season.

(B) A fee, approved by the commission, shall be assessed to take a sign in and out of service.

(11) No reimbursement shall be allowed to any participating qualified entity due to road closures or detours established for any reason.

(12) The commission reserves the right to approve all sign installation locations, modify said sign(s) when necessary to comply with changed standards that might be promulgated or adopted, and/or permanently remove the sign(s) at any time, in its sole discretion, for any reason whatsoever, including for the convenience of the commission or if the commission determines removal is required for a highway or transportation project. In the event the commission removes the sign pursuant to the terms of this rule, the commission will not refund any portion of the original payment from the qualified entity.

*AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 **United States Code** Section 131(f). Material in this rule originally filed as 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22. Original rule filed Nov. 14, 2014.*

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 17—Supplemental Guide Sign Program

PROPOSED RULE

7 CSR 10-17.040 Tourist Oriented Directional Signing Requirements

PURPOSE: This rule defines the requirements necessary for an entity to qualify for Tourist Oriented Directional Signing (TODS) signing.

(1) A qualified entity eligible for Tourist Oriented Directional Signing (TODS) signs shall meet the criteria as tourist attraction or a motorist service (not including twenty-four- (24-) hour pharmacies) as defined in this rule and signing will be limited to the following distances from the site:

(A) Gas, food, and lodging services—three (3) miles; and

(B) Camping services and tourist attractions—fifteen (15) miles.

(2) If the installation of a TODS sign directing traffic onto a non-state route at an intersection is determined to be necessary by the program manager, the program manager shall contact the appropriate local jurisdiction who owns the roadway and obtain written consent for such TODS installation. If permission for erecting trailblazing signs cannot be obtained from the appropriate local authorities, that qualified entity shall not be eligible for TODS at that intersection.

(3) Where both TODS and Logo trailblazer signing would be authorized at the same intersection, the TODS signs shall incorporate the required information from, and be used in place of, the Logo trailblazer sign.

(4) Whenever an intersection on an expressway is upgraded to an interchange, all TODS located at that interchange and any associated trailblazing signs shall be removed by the program manager.

(5) Only those qualified entities not plainly visible to the driver proceeding on the crossroad will be considered for trailblazing signs. When the program manager determines trailblazer signs are required, all trailblazing signs shall be erected prior to erecting the intersection signs.

AUTHORITY: Art. IV, section 29, Mo. Const., sections 226.020, 226.130 and 226.525, RSMo 2000. Material in this rule originally filed as 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22. Original rule filed Nov. 14, 2014.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 17—Supplemental Guide Sign Program

PROPOSED RULE

7 CSR 10-17.050 Requirements for Logo Signing

PURPOSE: This rule defines the requirements necessary for an entity to qualify for Logo signing.

(1) A qualified entity must provide one (1) or more of the following services: gas, food, lodging, camping, twenty-four- (24-) hour pharmacy, or be a tourist attraction meeting the criteria found in this rule to be eligible to participate in the Logo signing program.

(A) Specific service signs shall be erected only for a qualified entity located within three (3) miles of the interchange as measured along the path from the interchange to the qualified entity. The measurement starting from the intersecting centerlines of the freeway and crossroad at the interchange to the nearest edge of the business structure projected at a right angle to the roadway centerline. If the capacity of the existing individual service sign for a specific business is not fully utilized, a successive three- (3-) mile increment may be considered for that specific type business on a temporary basis until the space is requested by a qualified entity within the initial three- (3-) mile distance. The qualified entity occupying the space on a temporary basis will remain in place to the end of its annual participation agreement. Existing signs shall not be made larger or new signs installed to make room for qualified entities beyond the initial three- (3-) mile distance. The maximum distance allowed for each category from the interchange is equal to—

1. Gas, food, and lodging services—six (6) miles;
2. Camping services or Tourist attractions—fifteen (15); and
3. Twenty-four- (24-) hour pharmacies—three (3) miles.

(B) Locations for mainline, ramp, and trailblazer signs must be approved by the department.

(C) Messages, symbols, and trademarks which resemble any official traffic control device shall not be used.

(D) If Logo spaces for any of the service categories mentioned in this rule remain available, then the department, at its discretion, may permit other qualifying entities in the same service category meeting the majority of the criteria to utilize the otherwise unused spaces. Those qualified entities that participate, but do not fully qualify for the program, shall be reevaluated on an annual basis. At that time, should there be a request from a fully qualifying entity to participate, the fully qualifying entity shall be given priority over a less than fully qualifying entity when considering renewal of contracts.

(E) A business may have Logo panels installed at a second interchange, provided it meets all the requirements as set forth in these regulations and its participation at the second interchange does not prevent another eligible business from participating in the Logo Program at that interchange. Should a qualified entity choose to participate in the Logo program at the second interchange location, the business occupying space at the second interchange will be removed when its participation agreement has expired.

(F) In the event that a business provides more than one (1) motorist service, it may be eligible to display a Logo panel for each service it provides on the proper specific service sign, provided the following conditions are met:

1. It meets all minimum criteria for the service;
2. It does not prevent participation by another business which offers a sole service and would otherwise qualify for placement on the specific service sign. Should a qualified entity choose to participate in the Logo program at one (1) of the locations the business is displaying a secondary motorist service, the secondary Logo panel will be removed when its participation agreement expires; and

3. Space is available on the specific service sign.

(2) When more than six (6) qualified entities of the same motorist service type wish to participate in the Logo program at the same interchange, up to six (6) Logo panels for this motorist service type may be installed, or roll over, onto a second specific service sign if the second specific service sign is empty or can be subdivided as stated in the supplemental signing program rules. No more than twelve (12) Logo panels for one (1) type of motorist service shall be displayed at a single interchange on a maximum of two (2) specific service signs. The qualified entities occupying space on the second specific service sign may remain in place until such time as the space is needed by other qualified entities of other motor service types not currently displayed at the interchange choose to participate in the Logo program at that interchange. When this occurs, the qualified entities which rolled over onto the second specific service will remain in place until their participation agreement expires.

(3) If the requests to place Logo panels on specific service signs exceed the available space, the following criteria shall be used to determine the allocation of spaces:

(A) Businesses nearest to the interchange will be given priority;

(B) The first six (6) qualified applicants for gas, food, lodging, camping, tourist attractions, and pharmacies shall be selected to place their Logo panels on the specific service sign. When a tourist attraction and another motor service type are combined on a single specific service sign, the first three (3) qualified tourist attractions and first three (3) of the other motor service type that share the same specific service sign shall be selected;

(C) Once all allowed similar type businesses are posted on the specific service sign at an interchange, other similar type businesses that are on the waiting list that are closer to the interchange shall have priority over the business furthest from the interchange that is also on the waiting list; and

(D) Changes in the Logo panels displayed on the specific service sign which result from the previous rules will take place when the participation agreement for the business in question on the specific service sign expires.

(4) If trailblazer signs are required for qualified entities, they shall be installed at the same time or prior to the installation of the Logo panel on the mainline and ramp signs. The program manager shall determine if trailblazer signs are necessary, and the department will approve locations, if appropriate.

(5) Where both Tourist Oriented Directional Signing (TODS) and Logo trailblazer signing would be needed at the same intersection, the TODS signs shall incorporate the needed information from, and be used in place of, the Logo trailblazer sign.

(6) Mainline Logo signs shall be located on the freeway mainline between the first advanced guide sign and the exit guide sign.

(7) Ramp signs shall be located along the freeway interchange ramp after the gore and before the ramp terminal.

(8) Logo panels shall be constructed and installed as follows:

(A) Only a qualified entity's name, brand name, trademark, corporate logo, or commercial symbol shall be used. Logo and word messages shall not both be displayed on the Logo unless otherwise permitted in this rule. If a nationally, regionally, or locally recognized commercial symbol, corporate logo or trademark is available, it should be used in preference to any other form of business identification. The department has the right to review and approve or deny the requested design;

(B) Logo panels shall not display a message which advertises a product rather than identifying a business. Any exception must be approved by the department. On gas Logo panels, diesel, ethanol or E-85, Biodiesel or B20, Compressed Natural Gas or CNG, Propane, or Food Mart text may be included as a secondary message in the lower portion of the Logo panel; and

(C) Messages, corporate logos, symbols, or trademarks which interfere with, imitate, or resemble any official warning or regulatory sign, signal, or traffic control device or which attempt, or appear to attempt, to direct movement of traffic are prohibited.

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 United States Code Section 131(f). Material in this rule originally filed as 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22. Original rule filed November 14, 2014.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 17—Supplemental Guide Sign Program

PROPOSED RULE

7 CSR 10-17.060 Requirements for Traffic Generators

PURPOSE: This rule defines the requirements necessary for an entity to qualify for traffic generator signing.

(1) A traffic generator is eligible to have signs up to the third connection, however, signing cannot extend beyond the first interchange encountered regardless if the interchange is the first, second, or third connection.

(2) Traffic generator signing shall not be installed at an interchange which connects to another freeway. No interchange to interchange signing is permitted.

(3) Traffic generator signs shall not be erected at an interchange where one (1) exit ramp splits into two (2) or more ramps before connecting to the crossroad.

(4) Traffic generator signs shall not be erected in an area where there is less than three-quarters (3/4) of a mile between interchange gore points when measured in one (1) direction or as approved by the department.

(5) Signs may be provided on each freeway located within fifteen (15) miles of the traffic generator in a rural area or within five (5) miles in an urban area as measured along the path from the interchange/intersection to the traffic generator. The distance is measured along the path starting from the intersecting centerlines of the interchange/intersection and the crossroad and ends at the nearest edge of the traffic generator projected at a right angle to the roadway centerline.

(6) The qualified entity is responsible for working with the local jurisdiction to install any additional trailblazer signs that may be required off of the state system before the signs are installed on the state highway.

(7) Tourist Oriented Traffic Generator. To be considered eligible as a tourist oriented traffic generator a qualified entity must meet the definition of a tourist oriented attraction, meaning the definition in this rule, and must also meet the following criteria:

(A) The qualified entity shall have a minimum annual attendance of one (1) million;

(B) Shall be open for business at least four (4) hours per day, at least five (5) days per week, one (1) of which must be a Saturday or Sunday and be fully operative and open to the traveling public for a minimum of three (3) months each year unless otherwise indicated in this rule, have public restroom facilities, have sufficient on premise parking to accommodate all visitors; and

(C) The qualified entity shall meet the criteria for a tourist oriented attraction specified in this rule.

(8) College Generator. To qualify for college generator signs a qualified school shall meet all the definitions of this rule and must also meet the following criteria:

(A) The school shall be a traditional four- (4-) year college, theological school, or seminary;

(B) The qualifying school site and the courses taught at the school shall be accredited by an organization recognized by the U.S. Department of Education or by the Council for Higher Education. The department will determine the eligibility of each school;

(C) The qualifying school shall provide a minimum of a four- (4-) year bachelor's degree or master's degree;

(D) The qualifying school shall be the primary campus of the college;

(E) Two- (2-) year colleges, community colleges, professional/technical schools, or satellite campuses do not qualify for college generator signing;

(F) The qualifying school shall provide on campus student housing;

(G) The qualifying school shall offer traditional, face-to-face classroom settings between students and faculty as a primary source of education. Web-based or telecommunication centers do not meet this requirement;

(H) College generator signs shall only provide guidance to the primary school campus. Signing to individual schools on or off campus (i.e. school of engineering, nursing, etc.), research parks, or research farms shall not be provided;

(I) Qualifying schools may choose to participate in college emblem signing in lieu of college generator signing;

(J) If third connection does not reach an interchange, the signing will begin at the third connection and the signing will consist of college generator trailblazer signs only;

(K) The qualifying school shall have a minimum of two thousand (2,000) registered students attending face- to-face classes on campus. The department shall acquire the three- (3-) year average attendance from the Department of Higher Education or the school may provide a notarized letter attesting to their average face-to-face enrollment for the specific site being signed for;

(L) The logo for the school shall only be displayed on the mainline sign; and

(M) No qualified school may participate in more than one (1) type of college traffic generator signing program off of a given state highway.

(9) College Emblem Signing. To qualify for college emblem signs a qualified school shall meet all the definitions of this rule and must also meet the following criteria:

(A) The qualifying school shall be a minimum of a two- (2-) year college, community college, or satellite campus;

(B) The qualifying school site and the courses taught at the school shall be accredited by an organization recognized by the U.S. Department of Education or by the Council for Higher Education. The department will determine the eligibility of each school;

(C) The qualifying school shall provide a minimum of a two- (2-) year associate's degree;

(D) The qualifying school shall offer traditional, face-to-face classroom settings between students and faculty as a primary source of education. Web-based or telecommunication centers do not meet this requirement;

(E) College emblem signs shall only provide guidance to the primary school campus. Signing to individual schools on or off campus (i.e. school of engineering, nursing, etc.), research parks, or research farms shall not be provided;

(F) If third connection does not reach an interchange, the signing will begin at the third connection. The type of signing used to mark the path will consist of college emblem style trailblazer sign only;

(G) The qualifying school shall have a minimum of two hundred (200) registered students attending face-to-face classes on campus. The department shall acquire the three- (3-) year average attendance from the U.S. Department of Higher Education or the school may provide a notarized letter attesting to their average face-to-face enrollment for the specific site being signed for; and

(H) No qualified school may participate in more than one (1) type of college traffic generator signing program off of a given state highway.

(10) State and Federal Agency. State and federal agency traffic generators are required to meet the criteria in this rule for traffic generators, but do not have a minimum annual attendance requirement. State and federal agency traffic generators shall be limited to—

(A) Missouri conservation areas operated by the Missouri Department of Conservation;

(B) Missouri state parks and state historic sites operated by the Missouri Department of Natural Resources; and

(C) Federal agency traffic generators shall be limited to recreational sites, including, but not limited to, historic sites, forests, river accesses, campgrounds and lakes, which are operated by U.S. Corp of Engineers, U.S. Forest Service, U.S. Fish and Wildlife, or National Park Service.

(11) State Correction Centers. Correction centers operated by the Missouri Department of Corrections are eligible for traffic generator signs at the first connection only. If the first connection is at an interchange, the first connection may include both the mainline and ramp sign. Before signing will be considered, approval from the local government where the correctional facility is located must be obtained. Minimum attendance requirements do not apply.

(12) Welcome Center Affiliate. Welcome center affiliates, approved by the Division of Tourism, are eligible for traffic generator signs and are required to meet the criteria in this rule, but do not have a minimum annual attendance requirement. Signs will be allowed up to a maximum of six (6) miles from the affiliate in a rural area and two (2) miles in an urban area. Before the participation agreement can be executed, the potential affiliate must first receive their certification letter from the Division of Tourism.

AUTHORITY: section 226.525, RSMo 2000 and 23 U.S.C. section 131. Material in this rule originally filed as 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22.Original rule filed November 14, 2014.

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

PRIVATE COST: This proposed rule will cost private entities sixteen thousand three hundred twenty dollars ($16,320) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. **Department Title:** Department of Transportation
Division Title: Missouri Highways and Transportation Commission
Chapter Title: Supplemental Guide Sign Program

Rule Number and Title:	7 CSR 10-17.060 Requirements for Traffic Generators
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
12 entities, 16 sites	**Minor and Major Traffic Generators**	**$16,320**

III. WORKSHEET

Sign Type Effected	Year Last Contract Expires	Number of Sites Effected	Increase in Fees to switch programs	Total annual fiscal impact after all contracts expire and applicants participate in new programs
Minor Traffic Generators	2019	6	$420.00	$2,520.00
Major Traffic Generators	2020	10	$1,380.00	$13,800.00
			Total Fiscal Impact	$16,320.00

IV. ASSUMPTIONS

The Traffic Generator Program is being modified to eliminate the Minor and Major categories of signing, leaving the Super Traffic Generator as a standalone program. Entities that are currently in the Minor or Major Traffic Generator program will have the opportunity, as their contracts expire, to utilize the department's TODS and Logo signing programs instead. The difference between the cost to those entities currently in the Minor and Major Traffic Generator program and the cost of the current TODS and Logo fees is the amount of the fiscal impact.

The fiscal impact is estimated over the projected five (5) year term of the new contract, which is to begin in July of 2015 and end in June of 2020. The source of funds for each site is unknown and is therefore assumed to be paid by private entities. The amount of fees that may be charged for Traffic Generators, TODS and Logo in the new contract is unknown; therefore, the fiscal impact estimate is based on current participation and fees in these programs. Which entities may qualify in the future as Minor or Major Traffic Generators cannot be determined as such entities may graduate to the Super Traffic Generator category, may cease to exist or may not be interested in the program.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 22—Tourist Oriented Directional Signing Program

PROPOSED RESCISSION

7 CSR 10-22.010 Public Information. This rule informed interested persons how to obtain information and materials about tourist oriented directional signing.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

AUTHORITY: Art. IV, section 29, Mo. Const., sections 226.020 and 226.525, RSMo 1994 and 226.130, RSMo Supp. 1998. Original rule filed Feb. 8, 1999, effective Sept. 30, 1999. Rescinded: Filed Nov. 14, 2014.

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 22—Tourist Oriented Directional Signing Program

PROPOSED RESCISSION

7 CSR 10-22.020 Definitions. This rule provided definitions of terms.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

AUTHORITY: Art. IV, section 29, Mo. Const., sections 226.020, 226.130 and 226.525, RSMo 2000. Original rule filed Feb. 8, 1999, effective Sept. 30, 1999. Amended: Filed Oct. 10, 2001 effect April 30, 2002. Rescinded: Filed Nov. 14, 2014.

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 22—Tourist Oriented Directional Signing Program

PROPOSED RESCISSION

7 CSR 10-22.030 Intersection Leg Eligibility. This rule defined the requirements necessary for an intersection leg to be eligible for Tourist Oriented Directional Signing.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

AUTHORITY: Art. IV, section 29, Mo. Const., sections 226.020 and 226.525, RSMo 1994 and 226.130, RSMo Supp. 1998. Original rule filed Feb. 8, 1999, effective Sept. 30, 1999. Rescinded: Filed Nov. 14, 2014.

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 22—Tourist Oriented Directional Signing Program

PROPOSED RESCISSION

7 CSR 10-22.040 Tourist Oriented Activities Eligibility Requirements. This rule defined the requirements necessary to qualify an attraction for TODS signing.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

AUTHORITY: Art. IV, section 29, Mo. Const., sections 226.020, 226.130 and 226.525, RSMo 2000. Original rule filed Feb. 8, 1999, effective Sept. 30, 1999. Amended: Filed Oct. 10, 2001, effective April 30, 2002. Rescinded: Filed Nov. 14, 2014.

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 22—Tourist Oriented Directional Signing Program

PROPOSED RESCISSION

7 CSR 10-22.050 Sign Requirements. This rule defined the appearance of the tourist oriented directional signs and provided criteria for the specific physical placement of the signs.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.020 and 226.525, RSMo 1994 and 226.130, RSMo Supp. 1998. Original rule filed Feb. 8, 1999, effective Sept. 30, 1999. Rescinded: Filed Nov. 14, 2014.

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 22—Tourist Oriented Directional Signing Program

PROPOSED RESCISSION

7 CSR 10-22.060 Administration. This rule provided information concerning obtaining, maintaining, and cost for tourist oriented directional signing.

PURPOSE: This rule is being rescinded in order to combine 7 CSR 10-9, 7 CSR 10-17, and 7 CSR 10-22 into one (1) chapter.

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.020 and 226.525, RSMo 1994 and 226.130, RSMo Supp. 1998. Original rule filed Feb. 8, 1999, effective Sept. 30, 1999. Rescinded: Filed Nov. 14, 2014.

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 Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 3—Prevailing Wage Law Rules

PROPOSED AMENDMENT

8 CSR 30-3.060 Occupational Titles of Work Descriptions. The division is amending subsections (8)(X) and (8)(Y).

PURPOSE: This amendment adds the work description language for "Marble Finisher," "Terrazzo Finisher," and "Tile Finisher" so that it is the same as that adopted by order of the Labor and Industrial Relations Commission. This amendment also modifies the headings used in the rule to reflect the division of the existing occupational titles into subclassifications.

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

(X) Terrazzo and Marble Occupational Titles—This subsection sets forth work descriptions for three (3) occupational titles related to terrazzo and marble work.

*[(X)]***1.** Terrazzo Worker-Marble Mason—The *[workers performing]* work falling within the occupational title of work description for *[terrazzo worker-marble mason]* **Terrazzo Worker-Marble Mason** includes:

*[1.]***A.** The installing of marble, mosaic, venetian enamel and terrazzo; the cutting and assembling of mosaics and art ceramics; the casting of all terrazzo on the job site; all rolling of terrazzo work;

*[2.]***B.** The preparing, cutting, layering or setting of metal, composition or wooden strips and grounds on all bedding above concrete floors or walls; and the laying and cutting of metal, strips, lath or other reinforcement, where used in terrazzo work;

*[3.]***C.** The installing of cement terrazzo, magnesite terrazzo, dex-o-tex terrazzo, epoxy matrix terrazzo, exposed aggregate. Rustic or rough wash of exterior or interior of buildings. The mixturing or applying of any other kind of mixtures of plastics composed of chips or granules of marble, granite, blue stone, enamel, mother of pearl, quartz ceramic colored quartz, and all other kinds of chips or granules when mixed with cement, rubber, neoprene, vinyl, magnesium chloride or any other resinous or chemical substances used for seamless flooring systems. The applying of binding materials when used on walls, floors, ceilings, stairs, saddles or any other part of the interior or exterior of the building, or other work not considered a part of the building such as fountains, swimming pools;

*[4.]***D.** The finishing of cement floors where additional aggregate of stone is added by spreading or sprinkling on top of the finished base and troweled or rolled into the finish and then the surface ground by grinding machines (When no additional stone aggregate is added to the finished mixture, even though the surface may be ground, the work falls within the occupational title of work description for cement masons.); and

*[5.]***E.** The carving, cutting and setting of all marble, slate, including slate backboards, stone, albereen, carrara, sanionyx, vitrolite and similar opaque glass, scaglioa, marbleithic and all artificial, imitation or case marble of whatever thickness or dimension. This

shall apply to all interior work, such as sanitary, decorative and other purposes inside of buildings of every description wherever required, including all polish, honed or sand finish;

2. Marble Finisher—The work falling within the occupational title of work description for Marble Finisher includes:

A. The preparation of floors, and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Marble Mason installation of construction materials on floor and/or walls; the movement of marble installation materials, tools, machines, and work devices to work areas; the erection of scaffolding and related installation structures;

B. The movement of marble slabs for installation; the drilling of holes and the chiseling of channels in edges of marble slabs to install wall anchors, using power drill and chisel; the securing of marble anchors to studding, using and covering ends of anchors with plaster to secure anchors in place;

C. The supply and mixture of construction materials for Marble Mason; the mixture of grout, as required, following standard formulas and using manual or machine mixing methods; the application of grout to installed marble; the movement of mixed mortar or plaster to installation area, manually or using wheelbarrow;

D. The removal of excess grout, using wet sponge; the cleaning of installed marble surfaces, work and storage areas, installation tools, machinery, and work aids, using water and cleaning agents;

E. The modification of mixing, material moving, grouting, polishing, and cleaning metal pieces, using a torch, spatula, and heat sensitive adhesive and filler;

F. The removal of marble installation materials and related debris from immediate work area; the storing of marble, installation material tools, machines, and related items; and

G. The provision of assistance to Marble Mason with the following tasks: bending or forming of wire to form metal anchors, using pliers; inserting anchors into holes of marble slab; securing anchors in place with wooden stakes and plaster; selecting marble slab for installation following numbered sequences or drawings; grinding and polishing marble, using abrasives, chemical and/or manual, in machine grinding and/or polishing techniques, under Marble Mason's direction; the moving and positioning of marble;

3. Terrazzo Finisher—The work falling within the occupational title of work description for Terrazzo Finisher includes:

A. The preparation of floors, and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Terrazzo Worker installation of construction materials on floors, base and/or walls; the moving of terrazzo installation materials, tools, machines, and work devices to area, manually or using wheelbarrow;

B. The supply and mixture of construction materials for Terrazzo Worker; the preparation, mixture by hand, mixture by mixing machine, or transportation of pre-mixed materials and the distribution with shovel, rake, hoe or pail, of all kinds of concrete foundations necessary for mosaic and terrazzo work; the dumping of mixed materials that form base or top surface of terrazzo into prepared installation site, using wheelbarrow; the measuring of designated amounts of ingredients for terrazzo or grout, using graduated containers and scale, following standard formulas and specifications, and the loading of portable mixer using proper means of transport; the mixture of materials according to experience and requests from Terrazzo Worker;

C. The spreading of marble chips or other material over fresh terrazzo surface and the pressing of the material into terrazzo by use of a roller; the application of grout finishes to surfaces of installed terrazzo; the spreading of grout across terrazzo to finish surface imperfections, using trowel; the installation of grinding stones in power grinders, using hand tools; the fine grinding and polishing of the surface of terrazzo, when grout has set, using power grinders; the application of curing agent to installed terrazzo to promote even curing, using brush or sprayer; the cutting of grooves in terrazzo stairs, using power grinder, and the filling of grooves with nonskid material;

D. The modification of mixing, grouting, grinding, and cleaning position and the securing of moisture membrane and wire mesh prior to pouring base materials for terrazzo installation;

E. The washing of the surface of polished terrazzo, using cleaner and water, and the application of sealer, according to manufacturer specifications, using brush; the cleaning of the installation site, and storage areas, tools, machines, and equipment; the removal of Terrazzo Worker materials and related debris from immediate work area; and

F. The provision of assistance to Terrazzo Worker with the following tasks: grinding surfaces of cured terrazzo; using power grinders;

(Y) Tile Occupational Titles—This subsection sets forth work descriptions for two (2) occupational titles related to tile work.

*[(Y)]***1.** Tile Setter—**The work falling within the occupational title of work description for Tile Setter includes:**

A. *[Applies to workers who apply]* **The application of** tile to floors, walls, ceilings, stair treads, promenade roof decks, garden walks, swimming pools and all places where tiles may be used to form a finished surface for practical use, sanitary finish or decorative purpose. (Tile includes all burned clay products, as used in the tile industry, either glazed or unglazed, all composition materials; all substitute materials in single units up to and including, fifteen inches by twenty inches by two inches (15" × 20" × 2") (except quarry tiles larger than nine inches by eleven inches (9" × 11")) and all mixtures in the form of cement, plastics and metals that are used as a finished surface.)**;** *[The work falling within this occupational title of work description includes:]*

*[1.]***B.** The cutting and shaping of tile with saws, tile cutters and biters; and

*[2.]***C.** The positioning of tile and tapping it with a trowel handle to affix tile to plaster or adhesive base*[; and]*.

2. Tile Finisher—The work falling within the occupational title of work description for Tile Finisher includes:

A. The preparation of floors and/or walls by scraping, sweeping, grinding, and related methods for Tile Setter to install construction materials on floors and walls; the movement of tiles, tile setting tools, and work devices from storage area to installation site manually or using wheelbarrow;

B. The supply and mixture of materials for Tile Setter; the supply and mixture of construction materials for Tile Setter; the mixture of mortar and grout accordingly to standard formulas and request from Tile Setter using bucket, water hose, spatulas, and portable mixer; the modification of mixing, grouting, grinding, and cleaning procedures according to type of installation or material used; the supply to Tile Setter of mortar, using wheelbarrow and shovel; the application of grout between joints of installed tile, using grouting trowel; the application of grout; the cutting of installed tile;

C. The removal of excess grout from tile joints with a sponge and scraping of corners and crevices with a trowel; the application of caulk, sealers, acid, steam, or related agents to caulk, seal, or clean installed tile, using various application devices and equipment;

D. The wiping of surfaces of tile after grouting to remove grout residue and polish tile, using non-abrasive materials; the removal of Tile Setter materials and related debris from immediate work area; the cleaning of installation site, mixing and storage tools, and equipment, using water and various cleaning tools; the storing of tile setting material machines, tools, and equipment; and

E. The provision of assistance to Tile Setter to secure position of metal lath, wire mesh, felt paper, Dur/rock or wonderboard prior to installation of tile; and

AUTHORITY: section 290.240.2., RSMo 2000. Original rule filed Sept. 15, 1992, effective May 6, 1993. For intervening history, please consult the ***Code of State Regulations****. Emergency amendment filed Nov. 7, 2014, effective Nov. 17, 2014, expires May 15, 2015. Amended: Filed Nov. 7, 2014.*

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Labor Standards, Attn: John E. Lindsey, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators

PROPOSED RULE

11 CSR 40-5.165 Elevator Mechanic

PURPOSE: This rule specifies the scope of work performed by an elevator mechanic and license application process.

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

(1) No person shall erect, construct, alter, replace, test, relocate, maintain, remove, dismantle, or wire any conveyance from the mainline feeder terminals on the controller of any equipment covered by sections 701.350 to 701.383, RSMo, and 11 CSR 40-5.010 to 11 CSR 40-5.150 except a person who solely installs and maintains equipment covered by American National Standard Institute (ANSI) A10.4 and ANSI A90.1 unless they possess a Missouri Elevator Mechanic License as described in this rule and are working for a Missouri elevator contractor pursuant to this rule. Use of a licensed elevator mechanic is not required for removing or dismantling equipment covered by sections 701.350 to 701.383, RSMo, and 11 CSR 40-5.010 to 11 CSR 40-5.150 which is destroyed as a result of a complete demolition of a secured structure or where the hoist-way or well-way is demolished back to the basic support structure, as long as no access is permitted therein to endanger the safety and welfare of a person. A licensed mechanic who performs work on any equipment not currently registered with the department shall report such non-registered equipment to the department as soon as possible, but not to exceed five (5) business days after performing work thereon. Failure to provide notification to the department may result in disciplinary action against the mechanic's license. No future work on such equipment shall be performed until such equipment is registered with the department.

(2) No licensed mechanic shall have under their direct supervision more than two (2) helpers/apprentices.

(A) Direct supervision of a helper/apprentice in construction, modernization, and repair is defined as having a licensed mechanic on the same jobsite, directly supervising the helper/apprentice.

(B) Direct supervision of a helper/apprentice in maintenance is defined as a licensed mechanic having the ability to physically intervene with a helper/apprentice at the jobsite within a safe and prudent timeframe. Only a licensed mechanic shall be allowed to take equipment covered by sections 701.350 to 701.383, RSMo, and 11 CSR 40-5.010 to 11 CSR 40-5.150 out of service or return such equipment to service.

(3) The licensee shall carry his/her license on their person at all times when performing the duties of an elevator mechanic I or II.

(4) Performing work as an elevator mechanic without first obtaining an elevator mechanic I or II license may result in permanent licensure denial by the board.

(5) Any elevator equipment work performed by a state licensed elevator mechanic pursuant to 11 CSR 40-5.165 and requiring a state inspection, such work shall only be inspected by a state licensed elevator inspector.

(6) Any elevator equipment testing performed by a state licensed elevator mechanic and requiring a state elevator safety inspection, such testing shall only be witnessed by a state licensed elevator inspector.

(7) All applicants for an elevator mechanic I or II license shall submitted to the board the following:

(A) A completed Application for Elevator Mechanic, a copy of the Application for Elevator Mechanic form may be obtained from the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102-0844 and online at www.dfs.dps.mo.gov;

(B) A copy of a valid state driver's license or state identification card as proof of applicant's identity;

(C) Two (2) passport-type photographs (2 × 2 inches (51 × 51 mm) in size); and

(D) The applicable fee, as set out in 11 CSR 40-5.195.

AUTHORITY: sections 701.355 and 701.377, RSMo Supp. 2014. Original rule filed Nov. 12, 2014.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102, via facsimile at (573) 751-5710, or via email at firesafe@dfs.dps.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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators

PROPOSED RULE

11 CSR 40-5.170 Elevator Mechanic License

PURPOSE: This rule describes the scope of work and eligibility requirements to obtain an elevator mechanic I or II license.

(1) Elevator Mechanic I—This license authorizes the holder to construct, install, alter, maintain, examine, relocate, test, remove, service, and repair all types of elevators and other conveyances in any location as covered in sections 701.350 to 701.383, RSMo, 11 CSR 40-5.010 to 11 CSR 40-5.195, and American Society of Mechanical Engineers (ASME) A17.1 and ASME A18.1.

(A) Elevator Mechanic I license shall be granted only to individuals who have demonstrated their qualifications and abilities. Applicants shall meet one (1) of the following paragraphs:

1. Furnish the board with acceptable proof the applicant has previously worked as an elevator mechanic for an elevator contractor or as approved by the board, without direct and immediate on-site supervision on equipment covered by A17.1 and A18.1 for a period of no less than four (4) years prior to the effective date of this rule. The person shall make application within one (1) year of the effective date of this rule;

2. Possess a certificate of completion documenting the applicant has successfully passed the mechanic examination of a nationally recognized training program for the elevator industry. The person must make application within one (1) year of the effective date of this rule;

3. Possess a certificate of completion of an apprenticeship program registered with the United States Department of Labor's Bureau of Apprenticeship and Training for elevator mechanics;

4. Applicants with licenses issued by another state shall provide the board documentation that the out-of-state licensing requirements meet or exceed Missouri requirements, and that the license is valid and has not been revoked or suspended; or

5. For an applicant whose experience does not immediately precede their application, the board may, at its discretion, issue a license to an applicant who provides documentation that the applicant has a minimum of (4) years of prior experience and training, and has successfully passed a mechanic examination of a nationally recognized training program acceptable to the board; and

6. Upon approval of an application by the board and receipt of the applicable fee, the board shall issue an elevator mechanic I license which will be in effect for a two- (2-) year period from date of issuance or renewal, unless thereafter revoked or suspended.

(2) Elevator Mechanic II—This license authorizes the holder to construct, install, alter, maintain, examine, relocate, test, remove, service, and repair all types of elevators and other conveyances in any location, as covered in sections 701.350 to 701.383, RSMo, 11 CSR 40-5.010 to 11 CSR 40-5.150, and ASME A18.1.

(A) Elevator mechanic II license shall be granted only to individuals who have demonstrated their qualifications and abilities. Applicants shall meet one (1) of the following paragraphs:

1. Furnish the board with acceptable proof the applicant has previously worked as an elevator mechanic for an elevator contractor or as approved by the board, without direct and immediate on-site supervision on equipment covered by ASME A18.1 for a period of no less than two (2) years prior to the effective date of this rule. The person shall make application within one (1) year of the effective date of this rule;

2. Possess a certificate of completion documenting the applicant has successfully passed the mechanic examination of a nationally recognized training program for the elevator industry access products (ASME A18.1) as accepted by the board;

3. Possess a certificate of completion of an apprenticeship program registered with the United States Department of Labor's Bureau of Apprenticeship and Training for elevator mechanics;

4. Applicants with licenses issued by another state shall provide the board documentation that the out-of-state licensing requirements meet or exceed Missouri requirements, and that the license is valid and has not been revoked or suspended; or

5. For an applicant whose experience does not immediately precede their application the board may, at its discretion, issue a license to an applicant who provides documentation acceptable to the board to establish the applicant has sufficient previous training and experience related to the elevator industry; and

6. Upon approval of an application by the board and receipt of the applicable fee, the board shall issue an elevator mechanic license II, which will be in effect for a two- (2-) year period from date of issuance or renewal, unless thereafter revoked or suspended.

AUTHORITY: sections 701.355 and 701.377, RSMo Supp. 2014. Original rule filed Nov. 12, 2014.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102, via facsimile at (573) 751-5710, or via email at firesafe@dfs.dps.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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators

PROPOSED RULE

11 CSR 40-5.175 Elevator Contractor

PURPOSE: This rule describes the scope of work and eligibility requirements to obtain an elevator contractor I or II license.

(1) No sole proprietor, partnership, corporation, limited liability company (LLC), or firm shall erect, construct, alter, replace, test, relocate, maintain, remove, dismantle, or wire any conveyance from the mainline feeder terminals on the controller of any equipment covered by sections 701.350 to 701.383, RSMo, and 11 CSR 40-5.010 to 11 CSR 40-5.150 except those sole proprietors, partnerships, corporations, LLC, or firms who solely install and maintain equipment covered by American National Standard Institute (ANSI) A10.4 and ANSI A90.1 unless they possess a Missouri Elevator Contractor License as described in this rule and either possess a Missouri Elevator Mechanic License or employ licensed elevator mechanics. Use of a licensed contractor is not required for removing or dismantling equipment covered by sections 701.350 to 701.383, RSMo, and 11 CSR 40-5.010 to 11 CSR 40-5.150 which is destroyed as a result of a complete demolition of a secured structure or where the hoistway or well-way is demolished back to the basic support structure, as long as no access is permitted therein to endanger the safety and welfare of a person. A licensed contractor who performs work on any equipment not currently registered with the department shall report such non-registered equipment to the department as soon as possible, but not to exceed five (5) business days after performing work thereon. Failure to provide notification to the department may result in disciplinary action against the contractor's license. No future work on such equipment shall be performed until such equipment is registered with the department.

(A) An elevator contractor license may be granted by the board to an elevator contractor who provides the board with acceptable proof it employs state licensed elevator mechanics, is a business in good

standing with the secretary of state, and provides verification of no retail sales tax due.

(B) A licensed elevator contractor shall have in its employment state licensed elevator mechanic(s) who perform the work described in this rule.

(C) No plan review for new installation or alteration will be conducted or no permit application will be accepted unless submitted to the department by a state licensed elevator contractor.

(D) No elevator contractor shall have any installation or alteration approved by a state licensed elevator inspector unless the elevator contractor was licensed at the time the installation or alteration was made.

(E) All applicants for an elevator contractor license shall submit the following;

1. A completed Application for Elevator Contractor, a copy of the Application for Elevator Contractor form may be obtained from the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102-0844 and online at www.dfs.dps.mo.gov;

2. The applicable fee, as set out in 11 CSR 40-5.195; and

3. Evidence the applicant is covered by general liability, personal injury, and property damage insurance in an amount of at least one (1) million dollars for injury or death of any number of persons in any one (1) occurrence with the coverage of at least five hundred thousand dollars ($500,000) for property damage in any one (1) occurrence and statutory worker's compensation insurance coverage.

(F) Upon approval of an application by the board, the contractor shall be issued a license in effect for a two- (2-) year period from date of issuance or renewal, unless thereafter revoked or suspended.

AUTHORITY: sections 701.355 and 701.377, RSMo Supp. 2014. Original rule filed Nov. 12, 2014.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102, via facsimile at (573) 751-5710, or via email at firesafe@dfs.dps.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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators

PROPOSED RULE

11 CSR 40-5.180 Elevator Contractor License

PURPOSE: This rule outlines the scope of work for an elevator contractor I or II.

(1) Elevator Contractor I—A sole proprietor, partnership, corporation, limited liability company (LLC), or firm authorized by the board to engage in the business of erecting, constructing, installing, altering, maintaining, testing, examining, relocating, removing, servicing, or repairing of all types of elevators and other conveyances in any location as covered by sections 701.350 to 701.383, RSMo, 11 CSR 40-5.010 to 11 CSR 40-5.195, and American Society of Mechanical Engineers (ASME) A17.1 and A18.1.

(2) Elevator Contractor II—A sole proprietor, partnership, corporation, LLC, or firm authorized by the board to engage in the business of erecting, constructing, installing, altering, maintaining, testing, examining, relocating, removing, servicing or repair of platform lifts and stairway chairlifts as covered by sections 701.350 to 701.383, RSMo, 11 CSR 40-5.010 to 11 CSR 40-5.195, and ASME A18.1.

AUTHORITY: sections 701.355 and 701.377, RSMo Supp. 2014. Original rule filed Nov. 12, 2014.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102, via facsimile at (573) 751-5710, or via email at firesafe@dfs.dps.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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators

PROPOSED RULE

11 CSR 40-5.190 Disciplinary Action

PURPOSE: This rule establishes conditions and procedures related to disciplinary action against an elevator mechanic or contractor license.

(1) The board shall have cause to discipline any licensee for any one (1) of the following reasons:

(A) Licensee has made a false statement as to material matter in his or her application;

(B) Licensee has committed fraud, misrepresentation or bribery in securing a license;

(C) Licensee has violated any provision of 11 CSR 40-5.160 to 11 CSR 40-5.195;

(D) Licensee has had an elevator mechanic or contractor license issued by another state revoked or suspended;

(E) Licensee has violated the provisions of sections 701.350 to 701.383, RSMo;

(F) Licensee failed to notify the department and the owner or lessee of non-registered elevator equipment non-compliant with sections 701.350 to 701.383, RSMo, and 11 CSR 40-5.010 to 11 CSR 40-5.195;

(G) Licensee fails to maintain insurance as provided in 11 CSR 40-5.175;

(H) Performing work on previously unknown elevator equipment not registered with the department in compliance with section 701.371, RSMo; or

(I) Licensee has a direct or indirect ownership or financial interest in an inspection business entity as it relates to sections 701.350 to 701.383, RSMo.

(2) When the board has knowledge of cause to discipline a licensee pursuant to this rule, the board may cause a complaint to be filed with the Administrative Hearing Commission, which shall conduct a hearing to determine whether the board has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The

administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the board to determine appropriate discipline when cause exists pursuant to this section.

(3) Upon a finding by the Administrative Hearing Commission that cause to discipline exists, the board shall, within thirty (30) days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the board's hearing, this shall constitute a waiver of the right to such hearing.

(4) Notice of any hearing pursuant to this rule may be made by certified mail to the licensee's address of record on the license application. Proof of refusal by the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

(5) Nothing contained in this rule shall prevent a licensee from informally disposing of a cause for discipline with the consent of the board by voluntarily surrendering a license or voluntarily submitting to discipline.

(6) The provisions of Chapter 621, RSMo and any amendments thereto shall apply to and govern the proceedings of the Administrative Hearing Commission and pursuant to this rule the rights and duties of the parties involved.

(7) If the chief elevator inspector notifies the board or the board finds that the public safety imperatively requires emergency action, and the board incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending the immediate initiation of the license revocation procedures. In such an event, the licensee shall be given a written notice of the suspension. Such notice shall state the date, time, and place of an emergency revocation hearing and a statement of the alleged facts or conduct warranting the summary suspension and proposed revocation.

AUTHORITY: sections 701.355 and 701.377, RSMo Supp. 2014. Original rule filed Nov. 12, 2014.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102, via facsimile at (573) 751-5710, or via email at firesafe@dfs.dps.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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators

PROPOSED RULE

11 CSR 40-5.195 Fees

PURPOSE: This rule establishes a licensing fee schedule and requires fees collected to be deposited into the Elevator Safety Fund.

(1) License type and fee—

(A) Initial Elevator Mechanic I or II and renewal, a fee of seventy-five dollars ($75) for a two- (2-) year license; and

(B) Initial Elevator Contractor I or II and renewal, a fee of two hundred dollars ($200) for a two- (2-) year license; and

(C) All fees shall be payable to the Elevator Safety Fund—Missouri Division of Fire Safety and are non-refundable or nontransferable except for overpayments resulting from mistakes of law or fact.

AUTHORITY: sections 701.355 and 701.377, RSMo Supp. 2014. Original rule filed Nov. 12, 2014.

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

PRIVATE COST: This proposed rule will cost private entities forty-seven thousand five hundred dollars ($47,500) in the aggregate every two (2) years.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102, via facsimile at (573) 751-5710, or via email at firesafe@dfs.dps.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.*

FISCAL NOTE
PRIVATE COST

I. Department Title: 11 - Public Safety
Division Title: 40 - Division of Fire Safety
Chapter Title: 5 - Elevator Safety

Rule Number and Title:	11 CSR 40-5.195 Fees
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
500	**Elevator Mechanics**	**$ 37,5000 (biannually)**
50	**Elevator Contractors**	**$ 10,000 (biannually)**

III. WORKSHEET

500 Elevator Mechanics x $75 = $ 37,500

50 Elevator Contractors x $200 = $ 10,000

Biannual total = $ 47,500

IV. ASSUMPTIONS

Numbers provided to the Division by elevator industry sources indicate approximately five hundred (500) elevator mechanics and fifty (50) elevator contractors will be affected by this licensure process.

Some new license applications will occur throughout the subsequent year(s); that number is unknown.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 200—Insurance Solvency and Company Regulation
Chapter 12—Missouri and Extended Missouri Mutual Companies

PROPOSED AMENDMENT

20 CSR 200-12.020 Extended Missouri Mutual Companies' Approved Investments. The director is amending sections (1)–(3).

PURPOSE: This amendment changes the limitations on approved investments available to extended Missouri mutual companies organized under the provisions of sections 380.201–380.591, RSMo.

(1) Approved Investments. In addition to the investments expressly permitted under section 380.471, RSMo, the following described investments shall be *[deemed]* "approved by the director" under the provisions of section 380.471, RSMo:

(A) Corporate bonds or bonds of any state of the United States other than Missouri or of any county or other political subdivision thereof, with the following ratings:

1. A**3** or higher by Moody's Investors Service;
2. A- or higher by Standard and Poor's Ratings Group; or
3. A**-** or higher by Fitch Ratings;

(B) Commercial paper with the following ratings:

1. P-1 by Moody's Investors Service; *[and]*
2. A-1 or higher by Standard and Poor's Ratings Group; *[and]*

or

3. F1 or higher by Fitch Ratings;

(D) Shares of mutual funds, if and to the extent that*[:]*—

1. With respect to mutual funds other than money market mutual funds, such mutual fund:

A. Is open-ended; and

B. Invests by prospectus at least *[eighty percent (80%)]* **seventy percent (70%)** of its funds in bonds described in section 380.471, RSMo, or in bonds described in subsection (1)(A) of this rule and paragraphs 1., 2., or 3. thereunder.

2. With respect to money market mutual funds, including money market deposit accounts of financial institutions:

A. The shares of such money market mutual fund are insured as to principal and accrued interest by the Federal Deposit Insurance Corporation (FDIC) or an insurance company which is providing coverage for such fund that is substantially the same (other than as to dollar amount) as that provided by the FDIC and is authorized to underwrite financial guarantee insurance in this state; or

B. Such money market mutual fund is rated as provided in paragraph 1., 2., or 3. of subsection (1)(A) of this rule;

(2) Limitations. The approved investments described in section (1) of this rule shall be subject to the following limitations:

(A) No more than *[five percent (5%)]* **seven percent (7%)** of an extended Missouri mutual's *[assets]* **total surplus** may be invested in the bonds or commercial paper described in subsections (1)(A) and (B) in any one (1) issuer;

(B) No more than *[twenty percent (20%)]* **fifty percent (50%)** of an extended Missouri mutual's *[assets]* **total surplus** may be invested in the aggregate in all bonds or commercial paper described in subsections (1)(A) and (B);

(C) No more than *[five percent (5%)]* **ten percent (10%)** of an extended Missouri mutual's total surplus may be invested in any one (1) mutual fund described in paragraph (1)(D)1. of this rule;

(D) No more than *[ten percent (10%)]* **twenty percent (20%)** of an extended Missouri mutual's total surplus may be invested in the aggregate in all mutual funds described in paragraph (1)(D)1. of this rule;

(E) No more than *[twenty-five percent (25%)]* **fifty percent (50%)** of an extended Missouri mutual's *[assets]* **total surplus** may be invested in the aggregate in all money market mutual funds described in paragraph (1)(D)2. of this rule, except that in computing such aggregate amount an extended Missouri mutual may exclude amounts it has invested in any money market mutual fund described in subparagraph (1)(D)2.A.

(3) If an extended Missouri mutual makes an investment which was *[deemed]* approved under section (1) of this rule when made but such investment subsequently no longer qualifies as an approved investment under section (1) of this rule, the extended Missouri mutual shall either consider such investment as disapproved or make a request in writing to the director for approval within thirty (30) days after the end of the month in which such investment first no longer qualifies as an approved investment. The director shall approve or disapprove in writing, with or without conditions, such request within thirty (30) days of receipt. If the extended Missouri mutual makes a request for approval, such investment shall be considered an approved investment pending the director's written approval or disapproval.

*AUTHORITY: section 374.045, RSMo Supp. [2008] **2014,** and sections 380.471 and 380.561, RSMo 2000. Original rule filed Oct. 24, 1991, effective March 9, 1992. Amended: Filed June 14, 2001, effective Dec. 30, 2001. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed Nov. 12, 2014.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Kelly A. Hopper, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 AM, Jan. 16, 2015, at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri.*

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2150—State Board of Registration for the Healing Arts
Chapter 5—General Rules

PROPOSED AMENDMENT

20 CSR 2150-5.100 Collaborative Practice. The board is amending the original purpose statement and subsections (2)(B), (3)(H), and (4)(F) of this rule.

PURPOSE: The purpose of this amendment is to comply with the requirements of the Utilization of Telehealth by Nurses, HB 315 (2013), which was codified in section 335.175, RSMo.

PURPOSE: In accordance with section 334.104, RSMo, this rule defines collaborative practice arrangement terms and delimits geographic areas; methods of treatment; review of services; and drug/device dispensing or distribution pursuant to prescription ***and implements the Utilization of Telehealth by Nurses as required by section 335.175, RSMo****.*

(2) Geographic Areas.

(B) The **following shall apply in the** use of a collaborative practice arrangement by an APRN who provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons *[shall be limited to]***:**

1. If the APRN is providing services pursuant to section 335.175, RSMo, no mileage limitation shall apply;

2. If the APRN is not providing services pursuant to section 335.175, RSMo, and is practicing in a federally-designated health professional shortage area (HPSA), the practice locations where the collaborating physician, or other physician designated in the collaborative practice arrangement, is no further than fifty (50) miles by road, using the most direct route available, from the collaborating APRN**;** *[if the APRN is practicing in federally-designated health professional shortage areas (HPSAs). Otherwise,]*

3. If the APRN is not providing services pursuant to section 335.175, RSMo, and is practicing in **a** non-HPSA*[s]*, the collaborating physician and collaborating APRN shall practice within thirty (30) miles by road of one another.

(3) Methods of Treatment.

(H) When a collaborative practice arrangement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the collaborating physician, or other physician designated in the collaborative practice arrangement, shall examine and evaluate the patient and approve or formulate the plan of treatment for new or significantly changed conditions as soon as is practical, but in no case more than two (2) weeks after the patient has been seen by the collaborating APRN or RN. **If the APRN is providing services pursuant to section 335.175, RSMo, the collaborating physician, or other physician designated in the collaborative practice arrangement, may conduct the examination and evaluation required by this section via live, interactive video, or in person. Telehealth providers shall obtain the patient's or the patient's guardian's consent before telehealth services are initiated and shall document the patient's or the patient's guardian's consent in the patient's file or chart. All telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, and all other applicable state and federal laws and regulations.**

(4) Review of Services.

(F) If a collaborative practice arrangement is used in clinical situations where a collaborating APRN provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician shall be present for sufficient periods of time, at least once every two (2) weeks, except in extraordinary circumstances that shall be documented, to participate in such review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff. In such settings, the use of a collaborative practice arrangement shall be limited to only an APRN. **If the APRN is providing services pursuant to section 335.175, RSMo, the collaborating physician may be present in person or the collaboration may occur via telehealth in order to meet the requirements of this section. Telehealth providers shall obtain patient's or the patient's guardian's consent before telehealth services are initiated and shall document the patient's or the patient's guardian's consent in the patient's file or chart. All telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, and all other applicable state and federal laws and regulations.**

AUTHORITY: sections 334.104.3, [and] 334.125, 335.036, ***and 335.175,*** *RSMo Supp. [2009]* ***2014****. This rule originally filed as 4 CSR 150-5.100. Original rule filed Jan. 29, 1996, effective Sept. 30, 1996. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed Nov. 14, 2014.*

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 opposition to this proposed amendment with the Board of Registration for the Healing Arts, ATTN: Connie Clarkston, Executive Director, PO Box 4, Jefferson City, MO 65102. 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 2200—State Board of Nursing
Chapter 4—General Rules

PROPOSED AMENDMENT

20 CSR 2200-4.200 Collaborative Practice. The board is amending the original purpose statement and subsections (2)(B), (3)(H), and (4)(F) of this rule.

PURPOSE: The purpose of this amendment is to comply with the requirements of the Utilization of Telehealth by Nurses, HB 315 (2013), which was codified in section 335.175, RSMo.

PURPOSE: In accordance with section 334.104, RSMo, this rule defines collaborative practice arrangement terms and delimits geographic areas; methods of treatment; review of services; and drug/device dispensing or distribution pursuant to prescription ***and implements the Utilization of Telehealth by Nurses as required by section 335.175, RSMo****.*

(2) Geographic Areas.

(B) The **following shall apply in the** use of a collaborative practice arrangement by an APRN who provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons *[shall be limited to]***:**

1. If the APRN is providing services pursuant to section 335.175, RSMo, no mileage limitation shall apply;

2. If the APRN is not providing services pursuant to section 335.175, RSMo, and is practicing in a federally-designated health professional shortage area (HPSA), the practice locations where the collaborating physician, or other physician designated in the collaborative practice arrangement, is no further than fifty (50) miles by road, using the most direct route available, from the collaborating APRN**; and** *[if the APRN is practicing in federally-designated health professional shortage areas (HPSAs). Otherwise,]*

3. If the APRN is not providing services pursuant to section 335.175, RSMo, and is practicing in **a** non-HPSA*[s]*, the collaborating physician and collaborating APRN shall practice within thirty (30) miles by road of one another.

(3) Methods of Treatment.

(H) When a collaborative practice arrangement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the collaborating physician, or other physician designated in the collaborative practice arrangement, shall examine and evaluate the patient and approve or formulate the plan of treatment for new or significantly changed conditions as soon as is practical, but in no case more than two (2) weeks after the patient has been seen by the collaborating APRN or RN. **If the APRN is providing services pursuant to section 335.175, RSMo, the collaborating physician, or other physician designated in the collaborative practice arrangement, may conduct the examination and evaluation required by this section via live interactive video or in person. Telehealth providers shall obtain the patient's or the patient's guardian's consent before telehealth services are initiated and shall document the patient's or the patient's guardian's consent in the patient's file or chart. All telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, and all other applicable state and federal laws and regulations.**

(4) Review of Services.

(F) If a collaborative practice arrangement is used in clinical situations where a collaborating APRN provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician shall be present for sufficient periods of time, at least once every two (2) weeks, except in extraordinary circumstances that shall be documented, to participate in such review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff. In such settings, the use of a collaborative practice arrangement shall be limited to only an APRN. **If the APRN is providing services pursuant to section 335.175, RSMo, the collaborating physician may be present in person or the collaboration may occur via telehealth in order to meet the requirements of this section. Telehealth providers shall obtain the patient's or the patient's guardian's consent before telehealth services are initiated and shall document the patient's or the patient's guardian's consent in the patient's file or chart. All telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, and all other applicable state and federal laws and regulations.**

*AUTHORITY: sections 334.104.3, [and] 334.125, 335.036, **and 335.175,** RSMo Supp. [2009] **2014**. This rule orignally filed as 4 CSR 200-4.200. Original rule filed Jan. 29, 1996, effective Sept. 30, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 14, 2014.*

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 opposition to this proposed amendment with the Board of Nursing, ATTN: Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102. 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.*