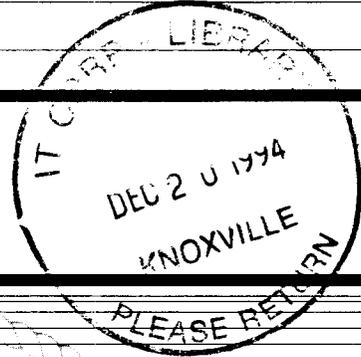


# Missouri Register

Volume 19, Number 24  
Pages 2885—3036  
December 15, 1994



**MISSOURI**

**Secretary of State**

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 1994

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**1994 Publication Schedule**

Documents will be accepted for filing on any normal **Closing business day from 8:00 a.m. until 4:30 p.m.** We encourage early filings so as not to create undue burdens on the printing and production facilities.

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 February 1, 1995  
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## HOW TO CITE RULES AND RSMo

### RULES

Cite material in the *Missouri Register* by volume and page number, for example, Vol. 19, *Missouri Register*, page 27. The approved short form of citation is 19 MoReg 27.

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

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

and should be cited in this manner. 1 CSR 10-1.010

Each department of state government is assigned a title. Each agency or division in 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 paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and sub-items a

They are properly cited by using the full citation, for example, 1 CSR 10-1.010. NOT Rule 10-1.010.

### RSMo

Cite material in the RSMo by date of legislative action. The asterisked note gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives *Code* and *Register* users a concise legislative history.



Rule Number	Agency	Proposed	Order
4 CSR 30-16.010	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1056	19 MoReg 2606
4 CSR 30-16.020	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1056	19 MoReg 2607
4 CSR 30-16.030	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1057	19 MoReg 2608
4 CSR 30-16.040	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1058	19 MoReg 2608
4 CSR 30-16.050	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1058	19 MoReg 2608
4 CSR 30-16.060	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1058	19 MoReg 2609
4 CSR 30-16.070	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1059	19 MoReg 2609
4 CSR 30-16.080	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1059	19 MoReg 2610
4 CSR 30-16.090	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1059	19 MoReg 2610
4 CSR 30-16.100	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1060	19 MoReg 2610
4 CSR 30-16.110	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1060	19 MoReg 2611
4 CSR 30-17.010	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1063	19 MoReg 2611
4 CSR 30-17.020	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1063	19 MoReg 2611
4 CSR 30-17.030	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1063	19 MoReg 2611
4 CSR 30-17.040	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1063	19 MoReg 2611
4 CSR 30-17.050	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1064	19 MoReg 2611
4 CSR 30-17.060	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1064	19 MoReg 2612
4 CSR 30-17.070	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1064	19 MoReg 2612
4 CSR 30-17.080	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1064	19 MoReg 2612
4 CSR 30-18.010	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1067	19 MoReg 2612
4 CSR 30-18.020	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1067	19 MoReg 2613
4 CSR 30-18.030	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1067	19 MoReg 2613
4 CSR 30-18.040	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1067	19 MoReg 2613
4 CSR 30-18.050	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1068	19 MoReg 2613
4 CSR 30-18.060	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1069	19 MoReg 2613
4 CSR 30-18.070	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1069	19 MoReg 2613
4 CSR 30-19.010	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1070	19 MoReg 2614
4 CSR 30-19.020	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1070	19 MoReg 2614
4 CSR 30-20.010	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1073	19 MoReg 2616
4 CSR 30-20.020	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1073	19 MoReg 2616
4 CSR 30-20.030	Missouri Board for Architects, Professional Engineers and Land Surveyors	19 MoReg 1073	19 MoReg 2616
4 CSR 40-1.021	Office of Athletics	19 MoReg 1986	This Issue
4 CSR 40-2.011	Office of Athletics	19 MoReg 1987	This Issue
4 CSR 40-2.021	Office of Athletics	19 MoReg 1989	This Issue
4 CSR 40-3.011	Office of Athletics	19 MoReg 1989	This Issue
4 CSR 40-4.030	Office of Athletics	19 MoReg 1994	This Issue
4 CSR 40-4.080	Office of Athletics	19 MoReg 1994	This Issue
4 CSR 40-5.040	Office of Athletics	19 MoReg 1994	This Issue
4 CSR 40-5.070	Office of Athletics	19 MoReg 1996	This Issue
4 CSR 90-2.010	State Board of Cosmetology	In Addition	19 MoReg 1624
		19 MoReg 2129	

Rule Number	Agency	Proposed	Order
4 CSR 90-11.010	State Board of Cosmetology	In Addition	19 MoReg 1624
4 CSR 90-13.010	State Board of Cosmetology	19 MoReg 2129	This Issue
4 CSR 110-2.100	Missouri Dental Board	19 MoReg 1765	
4 CSR 110-2.180	Missouri Dental Board	19 MoReg 1768R	
4 CSR 110-2.240	Missouri Dental Board	19 MoReg 207	
4 CSR 140-8.610	Division of Finance	19 MoReg 2708	Emergency
4 CSR 140-11.010	Division of Finance	19 MoReg 2227	
		19 MoReg 737	
		This Issue	
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4 CSR 140-14.010	Division of Finance	This Issue	
4 CSR 140-15.010	Division of Finance	This Issue	
4 CSR 140-15.011	Division of Finance	This Issue	
4 CSR 140-15.020	Division of Finance	This Issue	
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4 CSR 140-15.050	Division of Finance	This Issue	
4 CSR 140-16.010	Division of Finance	This Issue	
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4 CSR 140-17.010	Division of Finance	This Issue	
4 CSR 140-17.020	Division of Finance	This Issue	
4 CSR 140-18	Division of Finance	This Issue	In Addition
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4 CSR 140-20	Division of Finance	This Issue	In Addition
4 CSR 140-20.015	Division of Finance	This Issue	
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4 CSR 140-21.040	Division of Finance	This Issue	
4 CSR 140-22.060	Division of Finance	This Issue	
4 CSR 140-22.070	Division of Finance	This Issue	
4 CSR 140-22.080	Division of Finance	This Issue	
4 CSR 140-23.010	Division of Finance	This Issue	
4 CSR 140-23.020	Division of Finance	This Issue	
4 CSR 140-23.030	Division of Finance	This Issue	
4 CSR 140-24.010	Division of Finance	This Issue	
4 CSR 140-24.050	Division of Finance	This Issue	
4 CSR 140-24.080	Division of Finance	This Issue	
4 CSR 140-24.090	Division of Finance	19 MoReg 2227	Emergency
		19 MoReg 2491	
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4 CSR 140-25.010	Division of Finance	This Issue	
4 CSR 140-26.011	Division of Finance	This Issue	
4 CSR 140-26.020	Division of Finance	This Issue	
4 CSR 140-27.010	Division of Finance	This Issue	
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4 CSR 150-2.060	State Board of Registration for the Healing Arts	19 MoReg 2129	
4 CSR 150-3.050	State Board of Registration for the Healing Arts	19 MoReg 2130	
4 CSR 150-3.100	State Board of Registration for the Healing Arts	19 MoReg 2130	
4 CSR 150-7.010	State Board of Registration for the Healing Arts	19 MoReg 2492	
4 CSR 195-3.010	Job Development and Training	19 MoReg 1997	
4 CSR 200-4.010	State Board of Nursing	19 MoReg 2493	
4 CSR 200-4.100	State Board of Nursing	19 MoReg 2496R	
		19 MoReg 2496	
		19 MoReg 2507	
4 CSR 220-2.030	State Board of Pharmacy	19 MoReg 2507	
4 CSR 220-2.050	State Board of Pharmacy	19 MoReg 2507	
4 CSR 220-2.200	State Board of Pharmacy	19 MoReg 2832	
4 CSR 220-2.210	State Board of Pharmacy	19 MoReg 2837	
4 CSR 220-4.010	State Board of Pharmacy	19 MoReg 2709	
4 CSR 220-6.010	State Board of Pharmacy	19 MoReg 2840	
4 CSR 240-40.020	Public Service Commission	19 MoReg 2712	
4 CSR 240-40.030	Public Service Commission	19 MoReg 2713	
4 CSR 245-5.010	Real Estate Appraisers	19 MoReg 2507	
4 CSR 245-5.020	Real Estate Appraisers	19 MoReg 781	Emergency
4 CSR 245-6.010	Real Estate Appraisers	19 MoReg 2508	
4 CSR 250-4.010	Missouri Real Estate Commission	19 MoReg 1707	In Addition
4 CSR 260-2.010	Savings and Loan Supervision	19 MoReg 2441	In Addition
	<i>Has been moved to 4 CSR 140-14.010</i>		
4 CSR 260-2.020	Savings and Loan Supervision	19 MoReg 2441	In Addition
	<i>Has been moved to 4 CSR 140-14.020</i>		

4 CSR 260-3.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-15.010</i>	19 MoReg 2441	In Addition
4 CSR 260-3.011	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-15.011</i>	19 MoReg 2441	In Addition
4 CSR 260-3.020	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-15.020</i>	19 MoReg 2441	In Addition
4 CSR 260-3.040	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-15.040</i>	19 MoReg 2441	In Addition
4 CSR 260-3.050	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-15.050</i>	19 MoReg 2441	In Addition
4 CSR 260-4.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-16.010</i>	19 MoReg 2441	In Addition
4 CSR 260-4.030	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-16.030</i>	19 MoReg 2441	In Addition
4 CSR 260-4.035	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-16.035</i>	19 MoReg 2441	In Addition
4 CSR 260-4.040	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-16.040</i>	19 MoReg 2441	In Addition
4 CSR 260-5.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-17.010</i>	19 MoReg 2441	In Addition
4 CSR 260-5.020	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-17.020</i>	19 MoReg 2441	In Addition
4 CSR 260-6.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-18.010</i>	19 MoReg 2441	In Addition
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4 CSR 260-8.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.010</i>	19 MoReg 2441	In Addition
4 CSR 260-8.015	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.015</i>	19 MoReg 2441	In Addition
4 CSR 260-8.025	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.025</i>	19 MoReg 2441	In Addition
4 CSR 260-8.031	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.031</i>	19 MoReg 2441	In Addition
4 CSR 260-8.035	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.035</i>	19 MoReg 2441	In Addition
4 CSR 260-8.041	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.041</i>	19 MoReg 2441	In Addition
4 CSR 260-8.046	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.046</i>	19 MoReg 2441	In Addition
4 CSR 260-8.052	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.052</i>	19 MoReg 2441	In Addition
4 CSR 260-8.055	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.055</i>	19 MoReg 2441	In Addition
4 CSR 260-8.061	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.061</i>	19 MoReg 2441	In Addition
4 CSR 260-8.065	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.065</i>	19 MoReg 2441	In Addition
4 CSR 260-8.072	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.072</i>	19 MoReg 2441	In Addition
4 CSR 260-8.075	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.075</i>	19 MoReg 2441	In Addition
4 CSR 260-8.083	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.083</i>	19 MoReg 2441	In Addition
4 CSR 260-8.085	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.085</i>	19 MoReg 2441	In Addition
4 CSR 260-8.091	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.091</i>	19 MoReg 2441	In Addition
4 CSR 260-8.096	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-20.096</i>	19 MoReg 2441	In Addition
4 CSR 260-9.011	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-21.011</i>	19 MoReg 2441	In Addition
4 CSR 260-9.021	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-21.021</i>	19 MoReg 2441	In Addition
4 CSR 260-9.031	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-21.031</i>	19 MoReg 2441	In Addition
4 CSR 260-9.040	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-21.040</i>	19 MoReg 2441	In Addition
4 CSR 260-10.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-22.010</i>	19 MoReg 2441	In Addition
4 CSR 260-10.020	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-22.020</i>	19 MoReg 2441	In Addition
4 CSR 260-10.030	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-22.030</i>	19 MoReg 2441	In Addition

4 CSR 260-10.040	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-22.040</i>	19 MoReg 2441	In Addition
4 CSR 260-10.050	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-22.050</i>	19 MoReg 2441	In Addition
4 CSR 260-10.060	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-22.060</i>	19 MoReg 2441	In Addition
4 CSR 260-10.070	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-22.070</i>	19 MoReg 2441	In Addition
4 CSR 260-10.080	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-22.080</i>	19 MoReg 2441	In Addition
4 CSR 260-11.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-23.010</i>	19 MoReg 2441	In Addition
4 CSR 260-11.020	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-23.020</i>	19 MoReg 2441	In Addition
4 CSR 260-11.030	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-23.030</i>	19 MoReg 2442	In Addition
4 CSR 260-12.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-24.010</i>	19 MoReg 2442	In Addition
4 CSR 260-12.020	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-24.020</i>	19 MoReg 2442	In Addition
4 CSR 260-12.030	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-24.030</i>	19 MoReg 2442	In Addition
4 CSR 260-12.050	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-24.050</i>	19 MoReg 2442	In Addition
4 CSR 260-12.080	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-24.080</i>	19 MoReg 2442	In Addition
4 CSR 260-13.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-25.010</i>	19 MoReg 2442	In Addition
4 CSR 260-13.020	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-25.020</i>	19 MoReg 2442	In Addition
4 CSR 260-14.011	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-26.011</i>	19 MoReg 2442	In Addition
4 CSR 260-14.020	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-26.020</i>	19 MoReg 2442	In Addition
4 CSR 260-15.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-27.010</i>	19 MoReg 2442	In Addition
4 CSR 260-16.010	Savings and Loan Supervision <i>Has been moved to 4 CSR 140-28.010</i>	19 MoReg 2442	In Addition
4 CSR 265-9.070	Division of Transportation	18 MoReg 1002 18 MoReg 2079 18 MoReg 2492 19 MoReg 648 19 MoReg 899 19 MoReg 1221 19 MoReg 1245 19 MoReg 1831 19 MoReg 2338	Emergency Emergency In Addition Emergency In Addition Emergency In Addition Emergency
<b>DEPARTMENT OF ELEMENTARY &amp; SECONDARY EDUCATION</b>			
5 CSR 30-660.060	Division of Administration	19 MoReg 1875R	
5 CSR 30-660.065	Division of Administration	19 MoReg 1875	
5 CSR 50-345.010	Division of Instruction	19 MoReg 1246	19 MoReg 2616
5 CSR 70-742.140	Division of Special Education	N.A.	19 MoReg 2617
5 CSR 80-800.010	Urban and Teacher Education	19 MoReg 1079	19 MoReg 2271
5 CSR 80-800.040	Urban and Teacher Education	19 MoReg 1082	19 MoReg 2271
5 CSR 90-7.010	Vocational Rehabilitation	19 MoReg 1249	19 MoReg 2617
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6 CSR 10-2.080	Commissioner of Higher Education	19 MoReg 2508	
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7 CSR 10-3.030	Missouri Highways and Transportation Commission	19 MoReg 2014	
7 CSR 10-13.010	Missouri Highways and Transportation Commission	19 MoReg 2512	
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>			
8 CSR 10-3.010	Division of Employment Security	19 MoReg 1861 19 MoReg 2515 This Issue	Emergency Emergency Emergency
8 CSR 10-3.120	Division of Employment Security	19 MoReg 2664 19 MoReg 2840	Emergency Emergency
8 CSR 30-3.010	Division of Labor Standards	19 MoReg 2227	Emergency
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8 CSR 50-2.050	Workers' Compensation	19 MoReg 781 19 MoReg 1862 19 MoReg 2668 19 MoReg 2841	Emergency Emergency Emergency	9 CSR 30-3.810	Certification Standards	19 MoReg 1091 19 MoReg 1092 19 MoReg 1093 19 MoReg 1094 19 MoReg 1099R 19 MoReg 1099	19 MoReg 2420 19 MoReg 2420 19 MoReg 2421 19 MoReg 2422 19 MoReg 2423R 19 MoReg 2423
8 CSR 50-7.010	Workers' Compensation	19 MoReg 1737 19 MoReg 1768 19 MoReg 2668	Emergency This Issue Emergency	9 CSR 30-3.820	Certification Standards	19 MoReg 1097 19 MoReg 1097 19 MoReg 1097 19 MoReg 1097 19 MoReg 1098 19 MoReg 1098 19 MoReg 1098 19 MoReg 649 19 MoReg 650 19 MoReg 2479 19 MoReg 651 19 MoReg 652 19 MoReg 2016	19 MoReg 2428 19 MoReg 2430 19 MoReg 2430 19 MoReg 2430 19 MoReg 2431 19 MoReg 2431 19 MoReg 2432 Emergency Emergency Emergency Emergency
8 CSR 50-7.020	Workers' Compensation	19 MoReg 1737 19 MoReg 1771 19 MoReg 2668	Emergency This Issue Emergency	9 CSR 30-3.850	Certification Standards		
8 CSR 50-7.030	Workers' Compensation	19 MoReg 1738 19 MoReg 1771 19 MoReg 2669	Emergency This Issue Emergency	9 CSR 30-3.851	Certification Standards		
8 CSR 50-7.040	Workers' Compensation	19 MoReg 1738 19 MoReg 1771 19 MoReg 2669	Emergency This Issue Emergency	9 CSR 30-3.852	Certification Standards		
8 CSR 50-7.050	Workers' Compensation	19 MoReg 1739 19 MoReg 1774 19 MoReg 2670	Emergency This Issue Emergency	9 CSR 30-3.853	Certification Standards		
8 CSR 50-7.060	Workers' Compensation	19 MoReg 1742 19 MoReg 1777 19 MoReg 2673	Emergency This Issue Emergency	9 CSR 30-3.860	Certification Standards		
8 CSR 50-7.070	Workers' Compensation	19 MoReg 1745 19 MoReg 1780 19 MoReg 2676	Emergency This Issue Emergency	9 CSR 30-3.880	Certification Standards		
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9 CSR 30-3.610	Certification Standards	19 MoReg 1089R 19 MoReg 1089 19 MoReg 2341	19 MoReg 2414R 19 MoReg 2414	9 CSR 30-4.043	Certification Standards		
9 CSR 30-3.621	Certification Standards	19 MoReg 1024 19 MoReg 1083 19 MoReg 2472	Emergency 19 MoReg 2415 Emergency	9 CSR 30-5.050	Certification Standards		
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9 CSR 30-3.720	Certification Standards	19 MoReg 1025 19 MoReg 1085 19 MoReg 2474	Emergency 19 MoReg 2417 Emergency				
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				10 CSR 10-5.220	Air Conservation Commission	19 MoReg 2131R 19 MoReg 2131 19 MoReg 2536 19 MoReg 1875R 19 MoReg 1876 19 MoReg 2114R 19 MoReg 2114 19 MoReg 2539 19 MoReg 2737 19 MoReg 2756	
				10 CSR 10-5.340	Air Conservation Commission		
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				10 CSR 10-5.443	Air Conservation Commission		
				10 CSR 10-5.450	Air Conservation Commission		
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				10 CSR 10-5.480	Air Conservation Commission		
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10 CSR 23-3.030	Division of Geology and Land Survey	19 MoReg 1794	19 MoReg 2868	10 CSR 40-8.040	Land Reclamation Commission	19 MoReg 2363	
10 CSR 23-3.070	Division of Geology and Land Survey	19 MoReg 1798	19 MoReg 2869	10 CSR 40-8.050	Land Reclamation Commission	19 MoReg 2363	
10 CSR 23-3.080	Division of Geology and Land Survey	19 MoReg 1800	19 MoReg 2869	10 CSR 40-9.020	Land Reclamation Commission	19 MoReg 2354	
10 CSR 23-3.100	Division of Geology and Land Survey	19 MoReg 1800	19 MoReg 2869	10 CSR 40-10.010	Land Reclamation Commission	19 MoReg 1257	19 MoReg 2432
10 CSR 23-3.110	Division of Geology and Land Survey	19 MoReg 1801	19 MoReg 2869	10 CSR 40-10.020	Land Reclamation Commission	19 MoReg 1257	19 MoReg 2432
10 CSR 23-4.010	Division of Geology and Land Survey	19 MoReg 1804	19 MoReg 2869	10 CSR 40-10.030	Land Reclamation Commission	19 MoReg 1257	19 MoReg 2434
10 CSR 23-4.040	Division of Geology and Land Survey	19 MoReg 1804	19 MoReg 2869	10 CSR 40-10.040	Land Reclamation Commission	19 MoReg 1268	19 MoReg 2434
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10 CSR 23-4.070	Division of Geology and Land Survey	19 MoReg 1805	19 MoReg 2870	10 CSR 40-10.070	Land Reclamation Commission	19 MoReg 1269	19 MoReg 2435
10 CSR 23-4.080	Division of Geology and Land Survey	19 MoReg 180	19 MoReg 2871	10 CSR 40-10.080	Land Reclamation Commission	19 MoReg 1271	19 MoReg 2437
10 CSR 23-5.050	Division of Geology and Land Survey	19 MoReg 180	19 MoReg 2871	10 CSR 40-10.100	Land Reclamation Commission	19 MoReg 1272	19 MoReg 2437
10 CSR 23-6.050	Division of Geology and Land Survey	19 MoReg 1808	19 MoReg 2871	10 CSR 60	EPA Public Notice	19 MoReg 2442	In Addition
10 CSR 23-7.010	Division of Geology and Land Survey	19 MoReg 1808		10 CSR 60-4.010	Public Drinking Water Program	19 MoReg 981	19 MoReg 2274
10 CSR 23-7.020	Division of Geology and Land Survey	19 MoReg 1808		10 CSR 60-16.030	Public Drinking Water Program	19 MoReg 981	19 MoReg 2274
10 CSR 23-7.030	Division of Geology and Land Survey	19 MoReg 1809		10 CSR 80-2.011	Solid Waste	18 MoReg 1929	Emergency
10 CSR 24-1.010	Hazardous Substance Emergency Response Office	19 MoReg 1532	This Issue			19 MoReg 430	Emergency
10 CSR 24-2.010	Hazardous Substance Emergency Response Office	19 MoReg 1533	This Issue	10 CSR 80-2.020	Solid Waste	19 MoReg 32	
10 CSR 24-3.010	Hazardous Substance Emergency Response Office	19 MoReg 1535	This Issue	10 CSR 80-2.021	Solid Waste	19 MoReg 619	In Addition
10 CSR 24-4.010	Hazardous Substance Emergency Response Office	19 MoReg 1536R	This IssueR	10 CSR 80-2.031	Solid Waste	18 MoReg 1931	Emergency
10 CSR 24-5.010	Hazardous Substance Emergency Response Office	19 MoReg 1536R	This IssueR			19 MoReg 432	Emergency
10 CSR 25-12.010	Hazardous Waste Management Commission	19 MoReg 2631	In Addition	10 CSR 80-3.011	Solid Waste	18 MoReg 1936	Emergency
10 CSR 30-2.010	Land Survey	19 MoReg 1110R	19 MoReg 2619R	10 CSR 80-3.020	Solid Waste	19 MoReg 437	Emergency
10 CSR 30-2.020	Land Survey	19 MoReg 1110	19 MoReg 2619	10 CSR 80-5.010	Solid Waste	18 MoReg 1969	Emergency
10 CSR 30-2.030	Land Survey	19 MoReg 1111	19 MoReg 2620	10 CSR 80-5.020	Solid Waste	19 MoReg 443	Emergency
10 CSR 30-2.040	Land Survey	19 MoReg 1112	19 MoReg 2620	10 CSR 80-7.010	Solid Waste	18 MoReg 1977	Emergency
10 CSR 30-2.050	Land Survey	19 MoReg 1112	19 MoReg 2621			19 MoReg 451	Emergency
10 CSR 30-2.060	Land Survey	19 MoReg 1112	19 MoReg 2621			19 MoReg 32	
10 CSR 30-2.070	Land Survey	19 MoReg 1113	19 MoReg 2622	10 CSR 80-8.050	Solid Waste	19 MoReg 614	In Addition
10 CSR 30-2.080	Land Survey	19 MoReg 1113	19 MoReg 2622	10 CSR 80-7.010	Solid Waste	19 MoReg 619	In Addition
10 CSR 30-2.090	Land Survey	19 MoReg 1113	19 MoReg 2622			19 MoReg 37	
10 CSR 30-2.100	Land Survey	19 MoReg 1113	19 MoReg 2622	10 CSR 90-3.050	Division of State Parks	19 MoReg 619	In Addition
10 CSR 30-2.110	Land Survey	19 MoReg 1114	19 MoReg 2623	10 CSR 90-3.060	Division of State Parks	19 MoReg 1031	Emergency
10 CSR 30-3.010	Land Survey	19 MoReg 1114	19 MoReg 2623	10 CSR 90-3.070	Division of State Parks	19 MoReg 1128	19 MoReg 2280
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10 CSR 30-3.020	Land Survey	19 MoReg 1115	19 MoReg 2623	10 CSR 140	Division of Energy	19 MoReg 1033	Emergency
10 CSR 30-3.030	Land Survey	19 MoReg 1116	19 MoReg 2624	10 CSR 140-2.010	Division of Energy	19 MoReg 1128	19 MoReg 2280
10 CSR 30-3.040	Land Survey	19 MoReg 1116	19 MoReg 2624			19 MoReg 1033	Emergency
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10 CSR 30-3.060	Land Survey	19 MoReg 1116	19 MoReg 2624			This Issue	In Addition
10 CSR 30-3.070	Land Survey	19 MoReg 1117	19 MoReg 2624			18 MoReg 1176	In Addition
10 CSR 30-3.080	Land Survey	19 MoReg 1119	19 MoReg 2625			19 MoReg 403	In Addition
10 CSR 30-4.010	Land Survey	19 MoReg 1121R	19 MoReg 2625R			19 MoReg 2194	In Addition
		19 MoReg 1121	19 MoReg 2625	10 CSR 140-3.010	Division of Energy	19 MoReg 1914	In Addition
10 CSR 30-4.020	Land Survey	19 MoReg 1121	19 MoReg 2625	10 CSR 140-5.010	Division of Energy	19 MoReg 2194	In Addition
10 CSR 30-4.030	Land Survey	19 MoReg 1121	19 MoReg 2625				
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10 CSR 40-1.010	Land Reclamation Commission	19 MoReg 2347					
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10 CSR 40-6.010	Land Reclamation Commission	19 MoReg 2350					
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				11 CSR 45-16.010	Missouri Gaming Commission	18 MoReg 2152	Emergency
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4 CSR 140-8.610	General Usury Rate (October 1, 1994 through December 31, 1994).....	December 31, 1994
4 CSR 140-24.090	Sale of Association Assets .....	January 28, 1995

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8 CSR 10-3.120	Requirement to Report for and Participate in Reemployment Services in Connection with a Worker Profiling System .....	March 19, 1995

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8 CSR 30-3.010	Prevailing Wages Rates for Public Works Projects .....	January 13, 1995
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8 CSR 50-2.030	Resolution of Medical Fee Disputes .....	March 4, 1995
8 CSR 50-2.050	Mediation Services .....	March 24, 1995
8 CSR 50-7.010	Purpose.....	March 13, 1995
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8 CSR 50-7.090	Grounds for Refusal, Revocation or Suspension of Certification .....	March 13, 1995
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9 CSR 30-3.710	Definitions (Alcohol and Drug Offender Education Program).....	February 24, 1995
9 CSR 30-3.720	Procedures to Obtain Certification .....	February 24, 1995
9 CSR 30-3.730	Administration.....	February 24, 1995
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9 CSR 30-3.760	Program Structure .....	February 24, 1995
9 CSR 30-3.770	Student Records .....	February 24, 1995
9 CSR 30-4.042	Admission Criteria .....	December 28, 1994

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10 CSR 10-5.380	Motor Vehicle Emissions Inspection .....	Rescission December 25, 1994
10 CSR 10-5.380	Motor Vehicle Emissions Inspection .....	December 25, 1994
10 CSR 10-6.250	Asbestos Abatement Projects—Certification, Accreditation and Business Exemption Requirements .....	March 31, 1995

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11 CSR 30-7.010	Motor Vehicle Window Tinting Permits .....	January 2, 1995
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11 CSR 45-7.145	Reimbursement for Cost of Commission Agents .....	March 3, 1995
11 CSR 45-11.030	Payment—Gaming Tax .....	December 17, 1994
11 CSR 45-11.070	Return and Payment—Admission Fee .....	December 17, 1994
11 CSR 45-12.010	Excursion Liquor License Required .....	March 3, 1995
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11 CSR 45-30.020	Advertising .....	February 25, 1995
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11 CSR 75-2.010	Definitions .....	Rescission December 25, 1994
11 CSR 75-2.010	Definitions .....	December 25, 1994
11 CSR 75-3.010	Certification .....	Rescission December 25, 1994
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11 CSR 75-3.020	Eligibility for Certification .....	Rescission December 25, 1994
11 CSR 75-3.020	Eligibility for Certification .....	December 25, 1994
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# Emergency Rules

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo (Cum. Supp. 1993). An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare 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 the state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

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

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 120 days. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures. An emergency amendment may not be in effect more than 120 days and following that period the rule text reverts to its previous form.

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

### Division 10—Division of Employment Security

#### Chapter 3—Unemployment Insurance

#### EMERGENCY AMENDMENT

**8 CSR 10-3.010 Registration and Claims in General.** The division proposes to amend sections (1)–(8), delete section (9), and add sections (3), (10) and (11).

**EMERGENCY STATEMENT:** On a limited basis, the division began accepting weekly claims for benefits through

the use of touch tone telephones on June 20, 1994. This procedure is expected to be used statewide within a short period of time. The current regulation seems to permit the filing of claims only in written form. In order to continue the use of the telephone claiming procedure, which will allow the delivery of benefits to claimants in a much more timely manner, the regulation must be amended immediately. Otherwise, the validity of these claims may be questioned. This would create hardship on the unemployed citizens of this state. Therefore, the Division of Employment Security finds an immediate danger to the public welfare which requires emergency action. This Emergency Amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. Therefore, the division believes this Emergency Amendment to be fair to all interested persons and parties under the circumstances.

(1) A claimant files an initial claim for determination of [his/her] status as an insured worker by [appearing] —

(A) Appearing in person at the division's local office and [completing, signing and] submitting a [n] signed initial claim form and registering for work [.] ; or

(B) Communicating in writing a desire to file an initial claim. The claim will be considered filed on the date the written communication is postmarked, or if not postmarked, the date received, provided that the claimant [A claimant, however, may file an initial claim on the date the division received a writing from him/her expressing a desire to do so, provided that s/he] reports to the division's local office and registers for work as directed by the division but not later than twenty-eight (28) calendar days following the end of the week in which the division [received] receives that [writing] written communication.

(2) If [the claimant has filed an initial claim and] it is determined that the claimant is an insured worker, [his/her] the benefit year begins with the first day of the week in which [s/he filed that] the initial claim was filed. For good cause, however, an earlier date may be assigned as the beginning of the benefit year.

(3) A valid claim for benefits, for purposes of section 288.040, RSMo, is one filed with the division in the prescribed manner, which may include electronic methods, properly completed, signed by the claimant if necessary, filed within twenty-eight (28) calendar days after the

last day of the most recent week claimed or the last day of the week in which an initial, renewed or reopened claim was filed and for which all reporting requirements have been met.

[(3)] (4) In order to claim waiting [period] week credit or benefits for a week, [for which a renewed or reopened claim is not required and which is within his/her benefit year,] the claimant must file [a] an otherwise valid claim within twenty-eight (28) calendar days after the end of the week being claimed.

[This] The twenty-eight (28) [—] calendar-day period may be extended for good cause. [A valid claim is one filed on the prescribed claim form, properly and completely filled out, signed and not rejected by the division and for which any reporting requirement has been satisfied.] If good cause is not found, the claimant's claim for that week shall not constitute a valid claim for benefits under section 288.040, RSMo.

[(4)] (5) If [.] during the benefit year [.] a claimant does not file a claim for benefits, within twenty-eight (28) calendar days after the end of the last week claimed (or the end of the last week in which an initial, [or] renewed or reopened claim was filed), [a claim for benefits, s/he] the claimant must [report in person to the division's local office to] file a renewed claim if [s/he] the claimant has had intervening employment or a reopened claim if [s/he] the claimant has not. [This] The twenty-eight (28) [—] calendar day period may be extended for good cause. If good cause is not found, the claimant's claims for benefits for the period from the most recent week claimed (prior to the renewing/reopening of the claim) through the week ending just prior to the renewing or reopening of the claim shall not constitute valid claims for benefits under section 288.040, RSMo.

[(5)] (6) A benefit week under this rule begins on Sunday and ends on Saturday, except that a claimant who has been filing claims under 8 CSR 10-3.020 or 8 CSR 10-3.040 shall use the same type of weekly period for further claims in the same series [filed under this rule].

[(6)] (7) A week of unemployment beginning in a benefit year shall be treated as having occurred wholly in that benefit year.

[(7)] (8) If the deputy issues an appointment card to a claimant assigning a date and place for the claimant to appear to complete a claim and the claimant appears as assigned and completes the claim, it shall be treated as having been made at the time [the] that appointment card was issued.

# Emergency Rules

**[(8)] (9)** A claimant must report to the division as directed by a deputy, unless the claimant is ill or employed, or for good cause shown.

**[(9)** For the purposes of this chapter for the purpose of this chapter, good cause shall be only those circumstances which are completely beyond the reasonable control of the claimant and then only if the claimant acts as soon as practical under the circumstances.]

**(10)** A claimant shall be held ineligible to receive benefits if the claimant fails to comply with this regulation and will remain ineligible until the noncompliance has ceased.

**(11)** For the purposes of 8 CSR 10-3, good cause shall be only those circumstances which are completely beyond the reasonable control of the claimant and then only if the claimant acts as soon as practical.

*Auth: sections 288.040 and 288.070, RSMo [(Supp. 1988)] (Cum. Supp. [1991] 1993) and 288.220.5., RSMo (1986). Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed Aug. 31, 1990, effective Dec. 31, 1990. Emergency amendment filed July 15, 1994, effective July 25, 1994, expired Nov. 21, 1994. Amended: Filed Oct. 3, 1994. Emergency amendment filed Nov. 8, 1994, effective Nov. 22, 1994, expires March 21, 1995.*

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 10—Air Conservation Commission

#### Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the Entire State of Missouri

### EMERGENCY AMENDMENT

**10 CSR 10-6.250 Asbestos Abatement Projects—Certification, Accreditation and Business Exemption Requirements.** The division is amending section (3).

**PURPOSE:** This Emergency Amendment clarifies the qualifications for an air sampling professional and clarifies the proper documents the applicant must provide to the department to prove his/her qualifications.

**EMERGENCY STATEMENT:** The Department of Natural Resources, Division of Environmental Quality finds an immediate danger to the public health

*and safety which requires immediate action so that the agency will receive proper documentation from qualified individuals. Failure to implement this Emergency Amendment will result in personnel with insufficient training working in the asbestos field. This Emergency Amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by Missouri and the United States Constitutions. Therefore, the department believes this Emergency Amendment to be fair to all interested persons and parties under the circumstances.*

#### (3) Certification.

**(C) Qualifications.** An individual shall present proof of these to the department with the application for certification. The following are the minimum qualifications for each job category:

1. An asbestos air sampling professional conducts, oversees or is responsible for air monitoring of asbestos abatement projects. *[An asbestos a]* Air sampling professionals must satisfy one (1) of the following qualifications for certification:

A. *[have a b]* Bachelor of science degree in industrial hygiene plus one (1) year of field experience. The individual must provide a copy of his/her diploma, a certified copy of his/her transcript, and documentation of one (1) year of experience.

B. *[in the field or a m]* Master of science degree in industrial hygiene. The individual must provide a copy of his/her diploma and a certified copy of his/her transcript;

C. *[orc]* Certification as an industrial hygienist as designated by the American Board of Industrial Hygiene. The individual must provide a copy of his/her certificate and a certified copy of his/her transcript, if applicable;

D. *[or t]* Three (3) years of practical industrial hygiene field experience *[in the field of industrial hygiene]* including significant asbestos air monitoring and completion of a forty (40)-hour asbestos course including air monitoring instruction *[;]*. At least fifty percent (50%) of the three (3)-year period must have been on projects where a degreed or certified industrial hygienist or a Missouri certified asbestos air sampling professional was involved. The individual must provide to the department written reference by the industrial hygienist or the asbestos air sampling professional stating the individual's performance of monitoring was acceptable and that the individual is capable of fulfilling the responsibilities associated with certification as an asbestos air sampling professional. The individual must also provide documentation of his/

her experience and a copy of his/her asbestos course certificate; and

E. Other qualifications including but not limited to an American Board of Industrial Hygiene accepted degree or a health/safety related degree combined with related experience. The individual must provide a copy of his/her diploma and/or certification, a certified copy of his/her transcript, and letters necessary to verify experience;

2. An asbestos air sampling technician is an individual who has been trained by an air sampling professional to do air monitoring and who conducts air monitoring of asbestos abatement projects. Air sampling technicians need not be certified but are required to pass a training course and have proof of passage of the course at the site along with photo identification. This course shall include:

A. Air monitoring equipment and supplies;

B. Experience with pump calibration and location;

C. Recordkeeping of air monitoring data for asbestos abatement projects;

D. Applicable asbestos regulations;

E. Visual inspection for final clearance sampling; and

F. A minimum of sixteen (16) hours of air monitoring field equipment training by a certified air sampling professional;

3. An AHERA asbestos inspector is an individual who, under AHERA, collects and assimilates information used to determine the presence and condition of asbestos-containing material in a building or other air contaminant source. An AHERA asbestos inspector must hold a diploma from a fully-approved EPA or Missouri-accredited AHERA inspector course and a high school diploma or its equivalent;

4. An AHERA asbestos management planner is an individual who, under AHERA, reviews the results of inspections, reinspections or assessments and writes recommendations for appropriate response actions. An AHERA asbestos management planner must hold diplomas from a fully-approved EPA or Missouri-accredited AHERA inspector course and a fully approved EPA or Missouri-accredited management planner course. The individual must also hold a high school diploma or its equivalent;

5. An AHERA abatement project designer is an individual who designs or plans AHERA asbestos abatement. An AHERA abatement project designer must hold a diploma from a fully-approved EPA or Missouri-accredited project designer course, must have an engineering or industrial hygiene degree, and must have working knowledge of heating, ventilation and air conditioning systems or an AHERA abatement project designer must hold a high school diploma or its equivalent, must have a diploma from a fully-approved EPA or Missouri-accredited project designer course,

and must have at least four (4) years experience in building design, heating, ventilation and air conditioning systems. The department may require individuals with professional degrees for complex asbestos abatement projects;

6. An asbestos abatement supervisor is an individual who directs, controls or supervises others in asbestos abatement projects. An asbestos abatement supervisor shall hold a diploma from a fully-approved EPA or Missouri-accredited AHERA contractor/supervisor course and have one (1) year full-time prior experience in asbestos abatement work or in general construction work; and

7. An asbestos abatement worker is an individual who engages in asbestos abatement projects. An asbestos abatement worker shall hold a diploma from a fully-approved EPA or Missouri-accredited AHERA worker training course.

*Auth: section 643.050, RSMo [(1986)] (Cum. Supp. 1993). Original rule filed Dec. 14, 1992, effective Sept. 9, 1993. Emergency amendment filed July 26, 1994, effective Aug. 5, 1994, expired Dec. 2, 1994. Amended: Filed Aug. 1, 1994. Emergency amendment filed Nov. 15, 1994, effective Dec. 2, 1994, expires March 31, 1995.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.010 Rules.** This rule explained the purpose and effort of rules in general and delineated when such rule was subject to change.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescis-*

*sion to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.020 Advertising.** This rule referenced the statutory authority regarding advertising in relationship to the operation, conduct and management of bingo.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of*

*Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Amended: Filed Nov. 12, 1986, effective Feb. 28, 1987. Amended: Filed Feb. 16, 1988, effective May 26, 1988. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.030 Special Bingo Game.** This rule defined a special bingo game.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission*

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filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.040 Occasion.** This rule defined an occasion and limited the total number of games authorized to be played during an occasion to sixty-two games.

*PURPOSE:* This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

*EMERGENCY STATEMENT:* The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth:* section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.050 Gross Receipts.** This rule defined gross receipts for the purposes of computing the tax required to be paid.

*PURPOSE:* This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

*EMERGENCY STATEMENT:* The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth:* section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.060 Operator(s).** This rule set forth the requirement that a person shall be named who is responsible for the overall conduct, management and operation of bingo by an organization.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.060 Operator(s).** This rule set forth the requirement that a person shall be named who is responsible for the overall conduct, management and operation of bingo by an organization.

*PURPOSE:* This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

*EMERGENCY STATEMENT:* The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth:* section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.070 Regular Bingo License.** This rule defined a regular bingo license and set forth the authority for a licensee to possess both a regular and a special bingo license.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.080 Special Bingo License.** This rule set forth guidelines for obtaining a special bingo license and further set forth limitations for its use.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the adminis-

tration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.090 Additional Information.** This rule allowed the director to require additional information to verify statements made in any application for a bingo license.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Amended: Filed June 9, 1986, effective Sept. 26, 1986. Amended: Filed Nov. 18, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.095 Number of Bingo Days.** This rule defined Sunday as the first day of a week for the purpose of conducting bingo.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under

# Emergency Rules

the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth: section 313.065, RSMo (1986). Original rule filed Nov. 12, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.100 Denial of Application or License Renewal.** This rule further clarified the director's authority to deny any original application or renewal application for issuance of a bingo license.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is

necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.110 License Expiration and Annual Report.** This rule set forth the requirements for renewal of a bingo license and established a 15-day grace period in which time the renewal application, required reports and payment of tax must be filed with the director.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of

Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Amended: Filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.120 License Fee.** This rule set forth the requirement that all applicants for a regular bingo license pay a \$50-license fee and further provided for a refund of excess license fee and taxes.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.130 Member(s) in Charge.** This rule set forth the requirements and eligibility for a person to be responsible for the overall conduct of a bingo occasion.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.140 Worker-player.** This rule set forth guidelines permitting a worker to also be a player during the same occasion but not during the same game.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.145 Premises Required to be Open for Inspection.** This rule required bingo premises to be open for inspection.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10*

*& 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed May 12, 1982, effective Aug. 12, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.150 Information to be Posted.** This rule required full information regarding cost of bingo cards or opportunities to be posted in a conspicuous place at the bingo premises.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

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**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.160 Equipment.** This rule set forth the requirements for maintaining and operating bingo equipment for the proper conduct of the game.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the

protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.170 Records Required.** This rule required accurate records to be maintained and available for inspection at each bingo occasion.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the

Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Amended: Filed Nov. 18, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.180 Inventory and Ownership of Bingo Apparatus.** This rule required that accurate records be maintained on the quantity and ownership of all apparatus used directly in the conduct of bingo.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.190 Rules of Play.** This rule set forth guidelines for the rules of play.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of*

*Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.200 Merchandise Prizes.** This rule set forth guidelines for determining the retail price or fair market value of merchandise prizes.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.210 Reports.** This rule required each licensee to file reports only on forms supplied by the director.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.220 Bank Account.** This rule required that licensees maintain a separate bank account for their bingo activities. This method of accounting precludes the commingling of receipts and disbursements with the financial records of other activities of the organization.

# Emergency Rules

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.225 Change of Day and/or Time of Bingo Occasion.** This rule set forth the requirement that a licensee submit a request and obtain authorization from the Department of Revenue prior to changing the day and/or time of its bingo occasion.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly

in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Feb. 28, 1986, effective June 28, 1986. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.230 Premises Defined.** This rule defined premises as used in Chapter 313, RSMo.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This

Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.235 Reasonable Market Rental for Leased Premises.** This rule stipulated that information can be required by the director of revenue to substantiate the rental rate charged by a lessor to a bingo licensee lessee.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and

limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Feb. 28, 1986, effective June 28, 1986. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.240 Leased Premises.** This rule set forth the conditions for leasing or subleasing premises as set forth in the bingo statutes.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1,

1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Amended: Filed Aug. 10, 1982, effective Dec. 11, 1982. Amended: Filed Aug. 6, 1984, effective Dec. 13, 1984. Amended: Filed Nov. 18, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.245 Concessions or Concession Operators.** This rule clarified who can provide concessions for bingo licensees on leased premises and/or premises owned by the bingo licensee and the disposition of the concession proceeds.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules

published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Feb. 28, 1986, effective June 28, 1986. Amended: Filed Nov. 18, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.250 Subsidiary Body—Application for License.** This rule set forth the guidelines by which the director may grant a subsidiary body of a parent organization a license to conduct the game of bingo when the subsidiary body has been in existence for less than five years.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

# Emergency Rules

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Amended: Filed Nov. 13, 1984, effective May 11, 1985. Amended: Filed Oct. 15, 1985, effective Jan. 26, 1986. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.255 Bingo in Conjunction With Lottery.** This rule informed the public that lottery tickets may be sold at bingo occasions.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed March 21, 1986, effective July 11, 1986. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994.

Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.260 Participation of Workers—Restricted.** This rule prohibited any manufacturer or distributor of bingo equipment or its agents to participate in the management, operation or conduct of bingo games.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed April 13, 1982, effective July 11, 1982. Amended: Filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is

published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.270 All Gambling and Gambling Devices Prohibited.** This rule established the presumption that gambling violations which occur on a licensee's premises during the period of bingo play have been sanctioned by the licensee, its officers and agents.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Nov. 9, 1983, effective March 11, 1984. Amended: Filed May 10, 1984, effective Aug. 11, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.280 Net Receipts from Bingo.** This rule explained the proper disposition of bingo receipts.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth: section 313.065, RSMo (1986). Original rule filed Nov. 9, 1983, effective March 11, 1984. Amended: Filed Nov. 18, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.290 Co-ownership of Bingo Equipment.** This rule explained the proper manner of obtaining and retaining bingo equipment which is used by multiple licensees.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth: section 313.065, RSMo (1986). Original rule filed Nov. 9, 1983, effective March 11, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.300 Equipment Leases, Reasonable Market Rental Rate.** This rule explained section 313.025, RSMo which required the director of revenue to determine that all equipment is leased at a reasonable market rental rate.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

*Auth: section 313.065, RSMo (1986). Original rule filed Feb. 29, 1984, effective June 11, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.320 Bingo Supplies.** This rule was designed to ensure compliance with section 313.040, RSMo which prohibits compensation from bingo receipts of any person affiliated with the licensed organization or of any person for managing, conducting, or operating the same.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10*

# Emergency Rules

& 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Feb. 29, 1984, effective June 11, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.330 Security.** This rule set forth guidelines for employment of security personnel and the maximum amount of payment for those services.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Amended: filed Nov. 18, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.335 Participation of Auxiliary, Post or Organization Members in Licensee's Bingo Games.** This rule clarified that, for purposes of assisting in the management, conduct or operation of bingo games, members of a post's or organization's auxiliary and members of an auxiliary's post or organization may assist in its bingo game.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare

which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.340 Participation of Full-time Employee, Full-time Staff Member or Ordained Member of Clergy.** This rule specified the eligibility requirements and defined positions of individuals which were eligible to participate in the management, conduct or operation of bingo.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the

protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.350 Pull-tab Cards Sold in Conjunction with Licensed Bingo Game.** This rule defined the meaning of the term pull-tab card, stated when they may be used, clarified the monetary value for prizes given in conjunction with their use and clarified the maximum price for a single pull-tab card.

*PURPOSE:* This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency

procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Amended: Filed Nov. 18, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.355 Sale of Pull-tab Cards by Bingo Licensees.** This rule established the period of time and place in which pull-tab cards could be sold by a licensed organization conducting bingo games.

*PURPOSE:* This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and Missouri Department of Revenue

rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Aug. 1, 1985, effective Jan. 12, 1986. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expires Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Order of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.360 Unit Container/Box of Pull-tab Cards Sold, Total Gross Receipts Restricted and Gross Receipts Tax Due.** This rule specified purchase guidelines, maximum package quantities, amounts and methods of reporting gross receipts from the sale of pull-tab cards and the rate of tax and/or penalty to be applied.

*PURPOSE:* This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

# Emergency Rules

*Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Jan. 12, 1985. Amended: Filed Nov. 18, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax EMERGENCY RESCISSION

**12 CSR 10-12.370 Member Defined for Purposes of Quarterly Reporting.** This rule defined the term member, specified who may file reports, dates reports were due and outlined time frames to be considered as quarter periods.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed*

*Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax EMERGENCY RESCISSION

**12 CSR 10-12.380 Bingo Licensees Restricted to Purchase/Lease from Licensed Distributor and/or Manufacturer.** This rule interpreted the bingo laws relating to the purchase of equipment, supplies and/or cards, required a report to be filed of all purchases or acquisitions and clarified that the director shall approve or disapprove any lease agreement for equipment.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescind-*

*ing this rule is published in the Orders of Rulemaking section in this Missouri Register.*

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax EMERGENCY RESCISSION

**12 CSR 10-12.390 Manufacturer Defined.** This rule defined the term manufacturer and clarified that the manufacturer may be considered a distributor at the point of sale when selling directly to a licensee.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Amended: Filed May 3, 1985, effective July 26, 1985. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.400 Distributor or Manufacturer Exclusion.** This rule clarified that certain printers were not required to procure a manufacturer's or distributor's license.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Amended: Filed May 3, 1985, effective July 26, 1985. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.410 Manufacturer or Distributor Required to Make Application.** This rule clarified that a manufacturer or distributor shall secure a license, specified cost of license and stated requirements for filing for renewal of a license.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Amended: Filed May 3, 1985, effective July 26, 1985. Amended: Filed Nov. 12, 1986, effective Feb. 28, 1987. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.420 Sales Representatives Required to Procure Distributor's License.** This rule clarified who was required to procure a distributor's license.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.*

*EMERGENCY STATEMENT: The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.*

*Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.430 Bingo Licensees—Distributors.** This rule specified when it was necessary for a bingo licensee to procure a distributor's license.

*PURPOSE: This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been*

# Emergency Rules

proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.440 Distributor or Manufacturer to Purchase Pull-tab Tax Stamp.** This rule required distributors or manufacturers to acquire tax stamps for pull-tabs, stated quantities relating to purchases, specified form of payment for the tax stamps and placed the burden of responsibility for loss or damaged stamps.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.450 Records Required—Distributor and/or Manufacturer.** This rule specified the type of records to be retained, period of retention and indicated that the director could require reports to be submitted if s/he determined the information was necessary to ensure proper licensing under provisions of Chapter 313, RSMo.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This

Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.460 Description and Certified Price List of Bingo Supplies and/or Equipment.** This rule required submission of price lists by manufacturers and distributors and specified the contents of the lists.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission

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Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1984. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.470 Manufacturers or Distributors to Notify Director of Revenue of Change in Status.** This rule required a distributor or manufacturer to notify the director of revenue of changes in his/her status as reported on the last application filed with the director of revenue.

*PURPOSE:* This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

*EMERGENCY STATEMENT:* The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the

Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Aug. 6, 1984, effective Dec. 13, 1982. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.480 Package Deals and Tying Arrangements Prohibited.** This rule interpreted the bingo law as it applied to purchases of supplies and equipment when connected or tied to lease of a particular premises.

*PURPOSE:* This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

*EMERGENCY STATEMENT:* The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed Oct. 15, 1984, effective Feb. 11, 1985. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this Missouri Register.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**EMERGENCY RESCISSION**

**12 CSR 10-12.490 Reasonable Price of Cards.** This rule established a reasonable price for paper bingo cards.

*PURPOSE:* This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

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Auth: section 313.065, RSMo (1986). Original rule filed Oct. 15, 1984, effective Feb. 11, 1985. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of

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Rulemaking section in this *Missouri Register*.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.500 Bingo on Military Installations.** This rule informed the public of the status of bingo tax on military installations.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed March 21, 1986, effective July 11, 1986. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this *Missouri Register*.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.510 Disclosure of Certain Bingo Records and Confidentiality of Closed Records.** This rule informed the public what information about licensed bingo organizations could be obtained from the Department of Revenue.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed March 28, 1986, effective July 11, 1986. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this *Missouri Register*.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### EMERGENCY RESCISSION

**12 CSR 10-12.515 Organization Bona Fide Member Definition.** This rule defined the term bona fide member as it related to bingo licensing requirements.

**PURPOSE:** This rule is being rescinded as the Missouri Gaming Commission assumed responsibility for the administration of bingo laws effective July 1, 1994, in accordance with Senate Bills 10 & 11, as enacted by the General Assembly in 1993, and changes made to Chapter 313, RSMo. New rules have been proposed by the Missouri Gaming Commission.

**EMERGENCY STATEMENT:** The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Rescission follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rescission to the circumstances creating the emergency and requiring emergency procedure. This Emergency Rescission is necessary because administration of the bingo laws was transferred from the Department of Revenue to the Missouri Gaming Commission, effective July 1, 1994, and the Missouri Department of Revenue rules are in conflict with rules published by the Missouri Gaming Commission.

Auth: section 313.065, RSMo (1986). Original rule filed May 19, 1986, effective Aug. 25, 1986. Emergency rescission filed Aug. 1, 1994, effective Aug. 11, 1994, expired Dec. 8, 1994. Rescinded: Filed Aug. 1, 1994. Emergency rescission filed Nov. 28, 1994, effective Dec. 9, 1994, expires April 7, 1995. The order rescinding this rule is published in the Orders of Rulemaking section in this *Missouri Register*.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 24—Drivers License Bureau Rules

### EMERGENCY AMENDMENT

**12 CSR 10-24.412 Commercial Driver's License Waiver For Farm-Related Service Industries.** The director proposes to amend sections (3) and (7).

**PURPOSE:** This Emergency Amendment allows the applicant to designate the seasonal period for receiving a commercial driver's license waiver for farm-related service industries.

**EMERGENCY STATEMENT:** *The department finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Amendment follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Amendment to the circumstances creating the emergency and requiring emergency procedure. This Emergency Amendment is proposed to allow the applicant to designate the seasonal period on a commercial driver's license waiver for farm-related service industries.*

(3) Any commercial driver's license issued in accordance with this rule shall be valid for the operation of commercial motor vehicles *[for no more than]* **for one (1) period which shall not exceed one hundred eighty (180) consecutive calendar days in any twelve (12)-month period.** The period *[s]* of valid operation shall be indicated on a restriction card which must be carried by the operator with the commercial driver's license.

(7) The applicant shall indicate on the application the seasonal time period *[(s) during the calendar year]* the person needs to operate commercial motor vehicles in accordance with this rule. *[Any periods designated must be at least thirty (30) days in length; the total of all periods designated shall not exceed one hundred eighty (180) days in any twelve (12)-month period.]* **The one (1) period shall not exceed one hundred eighty (180) consecutive calendar days in any twelve (12)-month period.**

*Auth: section 302.765, RSMo (Cum. Supp. [1989] 1993). Emergency rule filed May 6, 1992, effective May 16, 1992, expired Sept. 12, 1992. Emergency rule filed Sept. 3, 1992, effective Sept. 13, 1992, expired Jan. 10, 1993. Original rule filed May 6, 1992, effective Dec. 3, 1992. Emergency amendment filed Nov. 9, 1994, effective Nov. 19, 1994, expires March 18, 1995. A normal amendment covering this same material is published in the Notices of Proposed Rulemaking section in this issue of the Missouri Register.*

# Emergency Rules



MISSOURI DEPARTMENT OF REVENUE  
 DRIVERS LICENSE BUREAU  
**APPLICATION FOR CDL/WAIVER FOR  
 FARM RELATED SERVICE INDUSTRIES**

FORM <b>4008A</b> <small>(REV 10-94)</small>	DATE
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## INSTRUCTIONS

**CDL WAIVER FOR FARM RELATED SERVICE INDUSTRIES** - This waiver applies to seasonal CDL drivers for 1) farm retail outlets and suppliers; 2) agri-chemical businesses; 3) custom harvesters; and 4) livestock feeders. This waiver allows a seasonal driver to obtain a restricted Class B or Class C CDL license without written/skills testing. This restricted license is limited to a seasonal period not to exceed a consecutive 180 days in any 12 month period.

**PLEASE PRINT AND COMPLETE THE ENTIRE APPLICATION.**  
 IF YOU LEAVE ANY OF THE AREAS BLANK, YOUR FORM IS NOT ACCEPTABLE.

### SECTION 1. PERSONAL DATA

LAST NAME	FIRST NAME	MIDDLE NAME	MAILING ADDRESS, IF DIFFERENT THAN RESIDENCE ADDRESS		
RESIDENCE ADDRESS (STREET)			CITY, STATE, ZIP CODE		COUNTY
CITY, STATE, ZIP CODE		COUNTY	PREVIOUS NAME IF CHANGED	TELEPHONE (    )	

### LOOK AT YOUR LICENSE - FILL IN THIS SECTION

STATE WHERE LICENSE ISSUED	CLASS	EXPIRATION DATE	ENDORSEMENT(S)	RESTRICTION(S)
BIRTHDATE — — —	SOCIAL SECURITY NUMBER — — —	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	HEIGHT	WEIGHT
EYES				

### SECTION 2.

#### CHECK THE BOX(ES) THAT APPLY

- |   |   |
|---|---|
| <input type="checkbox"/> FARM RETAIL OUTLET AND/OR SUPPLIER | <input type="checkbox"/> CUSTOM HARVESTER |
| <input type="checkbox"/> AGRI-CHEMICAL BUSINESS             | <input type="checkbox"/> LIVESTOCK FEEDER |

MARK THE BOX(ES) BELOW FOR THE CLASS(ES) OF VEHICLES YOU DRIVE. **BE SURE TO MARK ALL BOXES THAT APPLY.**

**CLASS B**  
 Any single vehicle with a GVWR or registered gross weight of 26,001 or more pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. (Holders of a Class B license may also, with any appropriate endorsements, operate all vehicles within Class C.)



**CLASS C**  
 Any single vehicle less than 26,001 pounds GVWR or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. This group applies only to vehicles which are placarded for hazardous materials or are designed to transport 16 or more persons, including the operator.



You must indicate the seasonal period below. The seasonal period cannot exceed 180 consecutive days in any 12 month period.

FROM	TO
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MO 860-2459 (10-94)

**SECTION 3. LICENSE RECORDS**

1. I hereby certify that my driving privilege is not currently suspended, revoked, cancelled or disqualified in this or any other state.  TRUE  FALSE
2. I have operated a motor vehicle in the  one year  two year period immediately preceding today's date.  TRUE  FALSE

**SECTION 4. CHECK THE CORRECT BOX FOR EACH STATEMENT**

I hereby certify that I have not had a license in more than one state at the same time during the **TWO YEARS** before today's date on which I am applying for a Restricted Commercial Driver's License, that the following answers are correct. If you have had a license for only **ONE YEAR**, you must certify to the following statements of your driving record for one year.

**ALL QUESTIONS MUST BE ANSWERED!**

1. Has your license been suspended, revoked, cancelled or disqualified in this or any other state?  NO  YES
2. Have you been convicted in **any type of motor vehicle** for:
- A. Driving while intoxicated, driving while under the influence of alcohol (includes BAC) or driving while under a controlled substance.  NO  YES
- B. Leaving the scene of an accident.  NO  YES
- C. A felony involving the use of a commercial motor vehicle.  NO  YES
3. Have you been convicted in **any type of motor vehicle** for any of the following:
- A. Speeding 15 or more MPH over the **posted** speed limit.  NO  YES
- B. Careless and imprudent driving.  NO  YES
- C. Following too closely.  NO  YES
- D. Improper lane change.  NO  YES
- E. A violation in connection with a fatal accident.  NO  YES
4. Have you been convicted of any state law or county or municipal ordinance relating to the operation of any type of motor vehicle in connection with an accident?  NO  YES
5. Have you been in an accident where you were found to be at fault by a court of law, involving any type of motor vehicle?  NO  YES

**APPLICANT'S SIGNATURE**

IF I MAKE A FALSE STATEMENT ON THIS APPLICATION I UNDERSTAND THAT I WILL NOT BE ISSUED A RESTRICTED COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF ONE YEAR, OR THAT IF I HAVE ALREADY BEEN ISSUED A COMMERCIAL DRIVER'S LICENSE, IT WILL BE CANCELLED UPON DISCOVERY OF THE FALSIFICATION, FOR A PERIOD OF ONE YEAR.

APPLICANT'S SIGNATURE

DATE

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# Emergency Rules

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## Title 19—DEPARTMENT OF HEALTH

### Division 20—Division of Environmental Health and Epidemiology Chapter 28—Immunization

#### EMERGENCY AMENDMENT

19 CSR 20-28.010 Immunization Requirements for School Children. The Department of Health proposes to amend various portions of this rule to update it.

*PURPOSE:* This amendment deletes the required report of noncompliance students.

*EMERGENCY STATEMENT:* This Emergency Amendment is necessary to bring this rule into compliance with the immunization law, section 167.181, RSMo (Cum. Supp. 1993). It is imperative that this rule become effective as school enrollments are already in progress and the immunization requirements have been updated. Failure to amend this rule in a timely fashion poses an immediate danger to the public health and welfare. It assures fairness to all interested persons and parties under the circumstances. It follows procedures which comply with the protections extended by the Missouri and United States Constitutions. The scope of the amendment is limited to the circumstances creating an emergency.

(1) As mandated by section 167.181, RSMo, each superintendent of a public, private, parochial or parish school shall have a record prepared showing the immunization status of every child enrolled in or attending a school under the superintendent's jurisdiction. The school superintendent shall make this report annually to the Department of Health on Form CD 31 no later than October 15 of each school year. This date is necessitated by the law which prohibits the enrollment and attendance of children who are in noncompliance. Immunization information is required in seven (7) categories: diphtheria, tetanus, pertussis, polio, measles, rubella and mumps. Each school superintendent or chief administrator shall submit to the Department of Health a summary report on Form CD 31 for all schools under the administrator's jurisdiction. Separate reports for each school should not be submitted, although separate lists shall be maintained in each school for auditing purposes.

*[(A) Report of Noncompliance Students on Department of Health Form Imm.P.10. When the immunization status report is submitted on Form CD 31 by October 15, students who are in noncompliance shall be listed on Form Imm.P.10 which shall be submitted with Form CD 31. The Imm.P.10 form shall include name or parent or*

*guardian, name of student, grade, and school of each student in noncompliance. Appropriate legal action should be taken to ensure compliance by all students in attendance. School administrators should exercise their power of compulsory education under section 167.031, RSMo and penalty under section 167.061, RSMo.]*

*[1.] (A) Exclusion of students in noncompliance, section 167.181, RSMo. Students cannot attend school unless they are properly immunized and can provide satisfactory evidence of the immunization or unless they are exempted. Transfer students in noncompliance shall not be permitted to enroll or attend school. Students who were enrolled during the previous school year shall be denied attendance for the current school year if not in compliance. Homeless children may be enrolled in school for no more than twenty-four (24) hours prior to providing satisfactory evidence of immunization. For the purpose of this paragraph, a homeless child shall be defined as a child who lacks a fixed, regular and adequate nighttime residence; or who has a primary nighttime residence in a supervised publicly or privately operated shelter or in an institution providing temporary residence or in a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.*

*[2.] The school administration should exercise its power of pupil suspension or expulsion under section 167.161, RSMo and possible summary suspension under section 167.171, RSMo until the violation is removed.*

*Auth: sections 167.181 and 192.006.1., RSMo (Cum. Supp. 1993). This rule was previously filed 13 CSR 50-110.010. Original rule filed April 24, 1974, effective May 4, 1974. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 29, 1994, effective Dec. 8, 1994, expires April 6, 1995.*

# Register



MISSOURI DEPARTMENT OF HEALTH  
BUREAU OF IMMUNIZATION

## MEDICAL IMMUNIZATION EXEMPTION FORM

FOR DOCTORS OF MEDICINE OR  
DOCTORS OF OSTEOPATHY ONLY

REQUIRED UNDER THE STATE IMMUNIZATION LAWS (Section 167.181 and Section 210.003, RSMo Cum. Supp. 1990) FOR SCHOOL, PRESCHOOL, DAY CARE AND NURSERY SCHOOL ATTENDANCE

**THIS IS TO CERTIFY THAT**

NAME OF PATIENT (PRINT OR TYPE)

SHOULD BE EXEMPTED FROM RECEIVING THE FOLLOWING CHECKED IMMUNIZATION(S) BECAUSE:

- The child has documented laboratory evidence of immunity to the disease. (Attach the lab slip to this form.)
- In my medical judgment, the immunization(s) checked would endanger the child's health or life.
  - DTP/Td    Polio    Measles    Mumps    Rubella    HbCV (Hib)

1. Unimmunized children have a greater risk of getting these vaccine-preventable diseases which can lead to serious complications.
2. Unimmunized children are subject to exclusion from child care facilities and school when outbreaks of vaccine-preventable diseases occur.

PHYSICIAN NAME (PRINT OR TYPE)	PHYSICIAN REGISTRATION NO.
SIGNATURE OF PHYSICIAN	DATE

MO 580-0807 (4-91)

Imm.P.12 (R4-91)



MISSOURI DEPARTMENT OF HEALTH  
BUREAU OF IMMUNIZATION

## RELIGIOUS IMMUNIZATION EXEMPTION

REQUIRED UNDER THE STATE IMMUNIZATION LAW (Section 167.181, RSMo Cum. Supp. 1992) FOR SCHOOL ATTENDANCE

**THIS IS TO CERTIFY THAT**

NAME OF CHILD (PRINT OR TYPE)

SHOULD BE EXEMPTED FROM RECEIVING THE FOLLOWING CHECKED IMMUNIZATION(S) BECAUSE IMMUNIZATION VIOLATES MY RELIGIOUS BELIEFS:

- DTP/Td    POLIO    MEASLES    MUMPS    RUBELLA

1. Unimmunized children have a greater risk of getting these vaccine-preventable diseases which can lead to serious complications.
2. Unimmunized children are subject to exclusion from school when outbreaks of vaccine-preventable diseases occur.

PARENT/GUARDIAN NAME (PRINT OR TYPE)	PARENT/GUARDIAN SIGNATURE	DATE
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MO 580-1723 (7-94)

Imm.P.11A



MISSOURI DEPARTMENT OF HEALTH  
BUREAU OF IMMUNIZATION

## IMMUNIZATIONS IN PROGRESS FORM

FOR PHYSICIANS AND  
PUBLIC HEALTH NURSES ONLY

REQUIRED UNDER THE STATE IMMUNIZATION LAWS (Section 167.181 and Section 210.003, RSMo Cum. Supp. 1990) FOR SCHOOL, PRESCHOOL, DAY CARE AND NURSERY SCHOOL ATTENDANCE

<b>THIS IS TO CERTIFY THAT</b>	NAME OF CHILD (PRINT OR TYPE)
--------------------------------	-------------------------------

received the following immunization(s) on \_\_\_\_\_ as required by State Immunization Laws  
MONTH/DAY/YEAR

- DTP    Td    POLIO    HbCV (Hib)    Other \_\_\_\_\_
- MMR    MR    MEASLES    MUMPS    RUBELLA

and is scheduled to return on \_\_\_\_\_ for the following immunization(s) \_\_\_\_\_  
MONTH/DAY/YEAR

**NOTE:** This child is in compliance with Missouri Immunization Laws as long as he/she continues to receive the appropriate immunization(s) at the correct intervals according to the Missouri Department of Health Immunization Schedule.

PHYSICIAN NAME (PRINT OR TYPE)	PHYSICIAN SIGNATURE
PUBLIC HEALTH NURSE NAME	DATE
	CITY OR COUNTY OF ASSIGNMENT

MO 580-0828 (7-91)

Imm.P.14 (R7-91)



**MISSOURI DEPARTMENT OF HEALTH  
IMMUNIZATION SCHEDULE**

**TABLE 2**

Recommended schedule for infants and children up to the 7th  
birthday not immunized at the recommended time in early infancy\*  
(See individual ACIP recommendations for details.)

Timing	Immunization(s)	Comments
First visit (≥4 mo of age)	DTP <sup>§</sup> , OPV, Hib <sup>¶,§</sup> , HB, MMR	All vaccines should be administered simultaneously at the appropriate visit. MMR should be given as soon as child is age 12-15 months.
Second visit (6 wk to 2 mo after first visit)	DTP <sup>§</sup> , OPV, Hib <sup>¶,§</sup> , HB	
Third visit (6 wk to 2 mo after second visit)	DTP <sup>§</sup> , OPV, Hib <sup>¶,§</sup>	
Fourth visit (≥6 mo after third visit)	DTaP <sup>§</sup> or DTP, Hib <sup>¶,§</sup> , HB	
4-6 yr	DTaP <sup>§</sup> or DTP, OPV, MMR	Preferably at or before school entry.
14-16 yr	Td	Repeat every 10 years throughout life.

\* If initiated in the first year of life, administer DTP doses 1, 2, and 3 and OPV doses 1, 2, and 3 according to this schedule; administer MMR when the child reaches 12-15 months of age.

§ Two DTP and Hib combination vaccines are available (DTP/HbOC [TETRAMUNE]; and PRP-T [ActHIB, OmniHIB] which can be reconstituted with DTP vaccine produced by Connaught). DTaP preparations are currently recommended only for use as the fourth and/or fifth doses of the DTP series among children 15 months through 6 years of age (before the seventh birthday). DTP and DTaP should not be used on or after the seventh birthday.

¶ The recommended schedule varies by vaccine manufacturer. For information specific to the vaccine being used, consult the package insert and ACIP recommendations. Children beginning the Hib vaccine series at age 2-6 months should receive a primary series of three doses of HbOC (HibTITER), PRP-T (ActHIB, OmniHIB), or a licensed DTP-Hib combination vaccine; or two doses of PRP-OMP (PedvaxHIB). An additional booster dose of any licensed Hib conjugate vaccine should be administered at 12-15 months of age and at least 2 months after the previous dose. Children beginning the Hib vaccine series at 7-11 months of age should receive a primary series of two doses of an HbOC, PRP-T, or PRP-OMP-containing vaccine. An additional booster dose of any licensed Hib conjugate vaccine should be administered at 12-15 months of age and at least 2 months after the previous dose. Children beginning the Hib vaccine series at ages 12-14 months should receive a primary series of one dose of an HbOC, PRP-T, or PRP-OMP-containing vaccine. An additional booster dose of any licensed Hib conjugate vaccine should be administered 2 months after the previous dose. Children beginning the Hib vaccine series at ages 15-59 months should receive one dose of any licensed Hib vaccine. Hib vaccine should not be administered after the fifth birthday except for special circumstances as noted in the specific ACIP recommendations for the use of Hib vaccine.

# Emergency Rules

## MISSOURI DEPARTMENT OF HEALTH IMMUNIZATION SCHEDULE

**TABLE 3**  
Recommended schedule for *Haemophilus influenzae* type b (Hib)  
(See individual ACIP recommendations for details.)

**Table 3A. Recommended Hib Immunization Schedule for Infants**

Vaccine	2 mo	4 mo	6 mo	12 mo	15 mo
HbOC (HibTITER) PRP-T (ActHIB, OmniHIB) DTP/HbOC (TETRAMUNE)	dose 1	dose 2	dose 3		booster
PRP-OMP (Pedvax HIB)	dose 1	dose 2		booster	

**Table 3B. Recommended Hib Schedule for Children, Including Those not Immunized on Schedule**

Vaccine	Age at 1st dose (mo)	Primary Series	Booster
HbOC (HibTITER)	2-6	3 doses, 2 mo apart	12-15 mo*
PRP-T (ActHIB, OmniHIB)	7-11	2 doses, 2 mo apart	12-15 mo*
DTP/HbOC (TETRAMUNE)	12-14	1 dose	2 mo later*
	15-59	1 dose	—
PRP-OMP (Pedvax HIB)	2-11	2 doses, 2 mo apart	12-15 mo*
	12-14	1 dose	2 mo later*
	15-59	1 dose	—
PRP-D (PROHIBIT)	15-59	1 dose	—

\* At least two months after previous dose.

The primary vaccine series should preferably be completed with the same Hib conjugate vaccine. If, however different vaccines are administered, a total of three doses of Hib conjugate vaccine is adequate. Any combination of Hib conjugate vaccines that is licensed for use among infants may be used to complete the primary series.

Hib immunization may be given at the same time as HBV, DTP, MMR, IPV and OPV immunizations. (Any of the vaccines may be injected in the thigh, and two injections may be given in the same deltoid.) All *Haemophilus b* conjugate vaccines should be administered via the intramuscular route.

Two Hib vaccines are licensed for use with infants beginning at two months of age: HbOC (HibTITER) manufactured by Praxis Biologics, Inc. and PRP-OMP (Pedvax HIB) manufactured by Merck, Sharp, and Dohme. A third Hib vaccine (PROHIBIT) manufactured by Connaught Laboratories remains available for use in children age 12 months and above. This vaccine may be used as a booster dose at 12-15 months following a two- or three-dose primary series, regardless of the vaccine used in the primary series.

Two DTP and Hib combination vaccines are available: DTP/HbOC (TETRAMUNE) and PRP-T (ActHIB, OmniHIB).

**MISSOURI DEPARTMENT OF HEALTH  
IMMUNIZATION SCHEDULE**

**TABLE 4**

Recommended schedule for persons 7 years of age or older  
(See individual ACIP recommendations for details.)

Timing	Immunization(s)	Comments
First visit	Td <sup>*</sup> , OPV <sup>f</sup> , MMR <sup>π</sup> , HB <sup>§</sup>	OPV not routinely administered to those ≥18 yrs of age.
Second visit 2 mo after first visit	Td, OPV, MMR <sup>*</sup> , HB	The second MMR may be administered as soon as 30 days after the first dose.
Third visit 6 mo after second visit	Td, OPV, HB	The third OPV may be given as soon as 6 weeks after the second OPV.
Additional visits	Td	Repeat every 10 yr throughout life.

<sup>\*</sup>Tetanus and Diphtheria toxoids (adult type) are used after the seventh birthday. The DTP and DTaP doses given to children under 7 who remain incompletely immunized at age 7 or older should be counted as a prior exposure to tetanus and diphtheria toxoids (e.g., a child who previously received 2 doses of DTP, only needs 1 dose of Td to complete a primary series).

<sup>f</sup>Enhanced IPV should be substituted for OPV in unvaccinated persons ≥18 yrs and for individuals with immunodeficiency disorders who need to be vaccinated.

<sup>π</sup>Live Measles, Mumps, and Rubella virus vaccines combined. Persons born before 1957 can generally be considered immune to measles and mumps and need not be immunized. Rubella vaccine may be given to persons 12 mos of age and older, particularly women of childbearing age. Prior to administering rubella vaccine to females past menarche, the patient and/or her guardian must be asked if she is pregnant. Pregnant patients should not be given rubella vaccine (or other live virus vaccine) due to theoretical risks to the fetus. Females receiving vaccine should be informed of the importance of not becoming pregnant for three months following vaccination.

<sup>§</sup>Hepatitis B vaccine, recombinant. Selected high-risk groups for whom vaccination is recommended include persons with occupational risk, such as health-care and public-safety workers who have occupational exposure to blood, clients and staff of institutions for the developmentally disabled, hemodialysis patients, recipients of certain blood products (e.g., clotting factor concentrates), household contacts and sex partners of hepatitis B virus carriers, injecting drug users, sexually active homosexual and bisexual men, certain sexually active heterosexual men and women, inmates of long-term correctional facilities, certain international travelers, and families of HBsAg-positive adoptees from countries where HBV infection is endemic. Because risk factors are often not identified directly among adolescents, universal hepatitis B vaccination of teenagers should be implemented in communities where injecting drug use, pregnancy among teenagers, and/or sexually transmitted diseases are common.

<sup>\*</sup>A second dose of MMR is required only for students entering kindergarten as of or after the 1990-91 school year.



**MISSOURI DEPARTMENT OF HEALTH**  
Bureau of Immunization  
P.O. Box 570  
Jefferson City, MO 65102-0570  
(314) 751-6133

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER  
Services provided on a nondiscriminatory basis.

*Alternate forms of this publication for persons with disabilities may be obtained by contacting the Missouri Department of Health, Bureau of Immunization, P.O. Box 570, Jefferson City, MO 65102 or phone (314) 751-6133. Hearing-impaired citizens phone (800) 735-2966.*

Imm.P. 19 / R07-94



MISSOURI DEPARTMENT OF HEALTH  
**SUMMARY REPORT OF THE IMMUNIZATION STATUS OF MISSOURI  
 PUBLIC, PRIVATE, OR PAROCHIAL SCHOOL CHILDREN**

**OFFICE USE ONLY**

P-S-D	R-F-D	N-CL	COMP
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**OFFICE USE ONLY**

**INSTRUCTIONS:** As mandated by Missouri State Law, Section 167.181, RSMo (Cum Supp. 1990), each superintendent of a public, private, parochial or parish school shall have a record prepared showing the immunization status of every child enrolled in or attending a school under the superintendent's jurisdiction. The school superintendent shall make this report annually to the Department of Health, no later than **October 15**. Immunization information is required in seven categories: diphtheria, tetanus, pertussis, polio, measles, rubella and mumps. Each

school superintendent or chief administrator is requested to submit a single (summary) report using form CD 31 for all schools under the administrator's jurisdiction. **DO NOT** submit separate reports for each building, although separate lists must be maintained in each school building for auditing purposes. The CD 31 form must be forwarded to the Missouri Department of Health, Bureau of Immunization, P.O. Box 570, Jefferson City, MO 65102 by **October 15**.

NAME OF SCHOOL OR SCHOOL SYSTEM STREET OR R.F.D. CITY OR TOWN COUNTY ZIP CODE

THIS REPORT IS FOR THE SCHOOL YEAR <b>1994-95</b>		DIPHTHERIA (DTP, DTaP, DT or Td)			TETANUS (DTP, DTaP, DT or Td)			PERTUSSIS (DTP or DTaP)			POLIO (OPV or E-IPV)			MEASLES (MMR or MR or M)			RUBELLA (MMR or MR or R)		MUMPS (MMR or M)		SERIES COMPLETE	
GRADE	ENROLLED	# Adequately Immunized	# In Progress, Not Complete (imm.P. 14)	# Exempt On File (imm.P. 11A or 12)	# Adequately Immunized	# In Progress, Not Complete (imm.P. 14)	# Exempt On File (imm.P. 11A or 12)	# Adequately Immunized	# In Progress, Not Complete (imm.P. 14)	# Exempt On File (imm.P. 11A or 12)	# Adequately Immunized	# In Progress, Not Complete (imm.P. 14)	# Exempt On File (imm.P. 11A or 12)	# Adequately Immunized - Two Doses	# Adequately Immunized - One Dose	# In Progress, Not Complete (imm.P. 14)	# Exempt On File (imm.P. 11A or 12)	# Adequately Immunized	# Exempt On File (imm.P. 11A or 12)	# Adequately Immunized	# Exempt On File (imm.P. 11A or 12)	Diphtheria (3+), Tetanus (3+), Pertussis (3+) K-1, Polio (3+), Measles (1 or 2), Rubella, Mumps
K																						
1																						
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12																						
SPECIAL ED. OR OTHER																						
TOTAL																						
REMARKS		PREPARED BY					TITLE					TELEPHONE NUMBER										
		APPROVED BY (SUPERINTENDENT OR SCHOOL ADMINISTRATOR)										DATE										

# Proposed Rulemaking

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefore. 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 letters "Auth."

**E**ntirely 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.

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

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a NOTICE OF PUBLIC HEARING will appear following the text of the rule. Hearing dates must be at least 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 30 days after publication of the notice in the *Missouri Register*.

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

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

## Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 12—Sustainable Agriculture

### PROPOSED RULE

#### 2 CSR 70-12.010 Sustainable Agriculture Demonstration Awards

**PURPOSE:** This rule sets forth the requirement for funding the development and coordination of demonstration projects on the lands of individual farmers in this state under actual farming conditions that will reduce the dependency of food and fiber production on nonrenewal inputs.

(1) The Center for Sustainable Agriculture Systems of the University of Missouri College of Agriculture shall solicit applications from individual farmers describing the following points:

(A) General name of project;  
(B) Names of individual farmers who will carry out the project and the local extension contact;

(C) Detailed description of how this project, under actual farming conditions, will reduce the dependency of food and fiber production on nonrenewable inputs. Also, what innovative technologies and strategies will be used;

(D) A detailed budget for the project, that shall not exceed a total of three thousand dollars (\$3,000) per project;

(E) Details on how the information obtained from this project will be disseminated to other farmers in the state; and

(F) A time line for completion of the project which shall not exceed thirty-six (36) months.

(2) A committee of five (5) persons, one (1) from the Plant Industries Division, Missouri Department of Agriculture, one (1) from the Market Development Division, Missouri Department of Agriculture, one (1) from the University of Missouri-Extension and two (2) farmers shall review all applications and select those projects for funding that, in their opinion, will derive maximum information for helping other farmers implement a program in sustainable agriculture. Geographical distribution will be considered in the selection process.

(3) Upon approval of a project, a check in the amount indicated will be issued to the University of Missouri not to exceed three thousand dollars (\$3,000) per project.

(4) An annual progress report shall be submitted by February 1 of each year to the Missouri Department of Agriculture on each project approved. A final report will be submitted within six (6) months after the completion of the project, including a detailed summary of

the results and recommendations on how farmers can adopt various farming practices that will contribute to a decrease in non-renewable inputs for producing food and fiber.

(5) The University of Missouri will submit to the Missouri Department of Agriculture an audit of how all funds were spent. This information shall be provided by August 31 of each year and shall cover the previous fiscal year.

**Auth:** section 261.105, RSMo (Cum. Supp. 1993). Original rule filed Nov. 9, 1994.

**STATE AGENCY COST:** This Proposed Rule is estimated to cost the University of Missouri \$20,125 to administer this program in fiscal year 1995 and each fiscal year thereafter provided funds are appropriated for this program.

**PRIVATE ENTITY COST:** This Proposed Rule will not cost private entities more than \$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 Division of Plant Industries, Joseph E. Francka, Division Director, P.O. Box 630, Jefferson City, MO 65102, (314) 751-2462. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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# Proposed Rulemaking

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## FISCAL NOTE:

Proposed Rule 2 CSR 70-12.010 Sustainable Agriculture  
Demonstration Awards

Missouri University Extension Costs:

Personal Services:

FY '95

Regional University of Missouri Extension Specialists --  
Assisting farmers in developing demonstration proposal,  
monitoring progress, and conducting field days.

* Salary	\$16,100
(5 days per project @ \$140/day for 23 projects)	
* Benefits	\$ 4,025
* Total Personal Services for FY '95	\$20,125

This program is estimated to cost the same in each  
fiscal year thereafter provided funds are  
appropriated for this program.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 140—Division of Finance  
Chapter 14—General Association Rules

**PROPOSED AMENDMENT**

4 CSR 140-14.010 Filing Copies. The division is amending section (1).

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision.*

(1) Other than feasibility studies, all filings, applications, protests and notices, as required by Chapter 369, RSMo or by the regulations of the Division of [Savings and Loan Supervision] Finance, shall be filed by an association or its attorney in duplicate in the office of the Division of [Savings and Loan Supervision] Finance.

*Auth: section 369.299(2), RSMo (1986). This rule previously filed as 4 CSR 260-2.010. Original rule filed March 24, 1975, effective April 2, 1975. Amended: Filed July 14, 1978, effective Nov. 13, 1978. Changed to 4 CSR 140-14.010, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

*STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 140—Division of Finance  
Chapter 15—Operations of Associations

**PROPOSED AMENDMENT**

4 CSR 140-15.010 Accounting Procedures. The division is amending section (4).

*PURPOSE: This amendment updates the rule by striking the names of federal agencies which no longer exist.*

(4) All business of the association shall be accounted for in accordance with generally accepted accounting principles or regulatory accounting principles as are permitted by [the Federal Home Loan Bank Board or the Federal Savings and Loan Insurance Corporation] federal laws and regulations.

*Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-3.010. Original rule filed Sept. 28, 1971, effective Oct. 7, 1971. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed June 14, 1988, effective Aug. 29, 1988. Changed to 4 CSR 140-15.010, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

*STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 140—Division of Finance  
Chapter 15—Operations of Associations

**PROPOSED AMENDMENT**

4 CSR 140-15.011 Accounting for Deferred Losses and Gains on the Sale or Other Disposition of Mortgage Loans, Mortgage-Related Securities and Certain Debt Securities. The division is amending section (1).

*PURPOSE: This amendment updates the rule by striking the names of federal agencies which no longer exist.*

*PURPOSE: This regulation authorizes deferred losses and gains on certain loans to the extent permitted by [the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance*

*Corporation] federal laws and regulations.*

(1) Associations, to the extent permitted by [the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation] federal laws and regulations, may elect to defer and amortize all gains and losses on any sale or other disposition of the following: mortgage loans; redeemable ground-rent leases; mortgage-related securities; preferred stock that, at the time of issuance of that preferred stock, provides for redemption on a fixed date in a fixed dollar amount or for redemption pursuant to a fixed schedule of periodic payments and has a remaining term to maturity of at least five (5) years; and debt securities that do not qualify as liquid assets because of their maturities or that have remaining terms to maturity of at least five (5) years.

*Auth: sections 369.129, 369.249 and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-3.011. Original rule filed June 12, 1981, effective Sept. 11, 1981. Emergency amendment filed Oct. 23, 1981, effective Nov. 2, 1981, expired Jan. 13, 1982. Amended: Filed Oct. 23, 1981, effective Feb. 11, 1982. Rescinded and readopted: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-15.011, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

*STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 140—Division of Finance  
Chapter 15—Operations of Associations

**PROPOSED AMENDMENT**

4 CSR 140-15.020 Bond. The division is amending section (1).

# Proposed Rulemaking

**PURPOSE:** *This amendment deletes reference to an outdated form.*

(1) Each association shall maintain bond coverage with a bonding company acceptable to the director and this bond shall be in a form [known as Standard Form No. 22 or its equivalent, or in other form] acceptable to the director. The bond shall cover each director, officer, employee and agent who has control over or access to cash or securities of the association or whose duties permit him/her to regularly make entries in the books or other records of the association. This coverage shall be maintained in the minimum amount set forth in this rule, computed on a base consisting of the total assets of the association plus the unpaid balance of loans which it has contracted to service for others, as follows: Base: not over \$300,000; Minimum bond: \$15,000 plus \$7,500 for each \$100,000 or fraction over \$100,000. \$300,001—\$1,000,000: \$45,000 plus \$15,000 for each \$100,000 or fraction over \$400,000. \$1,000,001—\$10,000,000: \$150,000 plus \$30,000 for each \$1,000,000 or fraction over \$2,000,000. \$10,000,001—\$30,000,000: \$450,000 plus \$60,000 for each \$5,000,000 or fraction over \$15,000,000. \$30,000,001—\$60,000,000: \$705,000 plus \$75,000 for each \$10,000,000 or fraction over \$40,000,000. \$60,000,001—\$100,000,000: \$945,000 plus \$90,000 for each \$15,000,000 or fraction over \$70,000,000. \$100,000,001, and over: \$1,230,000 plus \$105,000 for each \$25,000,000 or fraction over \$125,000,000.

*Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-3.020. Original rule filed Sept. 28, 1971, effective Oct. 7, 1971. Amended: Filed July 11, 1979, effective Oct. 12, 1979. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-15.020, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 140—Division of Finance Chapter 15—Operations of Associations

#### PROPOSED AMENDMENT

**4 CSR 140-15.040 Subordinated Debt Security.** The division is amending the Editor's Note and sections (1)—(4).

**PURPOSE:** *This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.*

*Editor's Note: Copies of all referenced federal regulations are available to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s' office.] at a cost established by state law.*

(1) An association, for the purpose of borrowing money or increasing its net worth, may issue subordinated debt securities subject to the conditions and limitations of this regulation and [of 12 CFR 563.8-1] federal laws and regulations. The term "subordinated debt security" shall include any note, bond, debenture or other obligation or security evidencing loans or advances and subordinated on liquidation to all claims having the same priority as savings accounts or any higher priority.

(2) An association seeking to issue a subordinated debt security shall file with the director one (1) copy of its application for issuance as filed with the [Federal Savings and Loan Insurance Corporation (FSLIC)] appropriate federal regulatory agency. No association shall issue a subordinated debt security unless it has obtained written approval from the [FSLIC] appropriate federal regulatory agency. An association shall file with the director a copy of the approval granted by the [FSLIC] appropriate federal regulatory agency in connection with the issuance of a subordinated debt security.

(3) An association desiring to issue a subordinated debt security shall comply with the applicable [requirements of 12 CFR 563g] federal laws and regulations regarding securities offerings. The association shall file with the director one (1) copy of any offering circular, amendment, notice, securities sales report or other documents and reports filed with the [Federal Home Loan Bank Board pursuant to 12 CFR 563g] appropriate federal regulatory agency in connection with the issuance of a subordinated debt security.

(4) An association, the accounts of which are not insured by the [FSLIC] appropriate federal regulatory agency shall file its application for issuance of a subordinated debt security solely with the director in the same form and pursuant to the same requirements as would be necessary if the association's accounts were insured by the [FSLIC] appropriate federal regulatory agency. Any of these requirements may be waived by the director in the case of an uninsured association as s/he in his/her discretion shall deem prudent and proper.

*Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-3.040. Original rule filed April 2, 1973, effective April 11, 1973. Rescinded and readopted: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-15.040, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 140—Division of Finance Chapter 15—Operations of Associations

#### PROPOSED AMENDMENT

**4 CSR 140-15.050 Mutual Capital Certificates.** The division is amending the Editor's Note and sections (1) and (2).

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.*

*Editor's Note: Copies of all referenced federal regulations are available, at a cost established by state law, to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or at the Office of the [s] Secretary of [s] State [s] office.] at a cost established by state law.*

(1) A mutual association may issue mutual capital certificates, directly to subscribers or through underwriters, as its charter permits subject to [the requirements of 12 CFR 563.7-4] applicable federal laws and regulations, provided that the following conditions are met:

(A) The association has provided the director with a copy of the application submitted to the [Federal Savings and Loan Insurance Corporation (FSLIC)] appropriate federal regulatory agency for any issuance of mutual capital certificates;

(B) The association has obtained written approval for the issuance of the mutual capital certificates from the [FSLIC] appropriate federal regulatory agency and a copy of the approval has been provided to the director;

(E) The charter amendment authorizing issuance of mutual capital certificates shall read as follows: "Mutual capital certificates. The association may issue mutual capital certificates pursuant to the rules of the Division of [Savings and Loan Supervision and the Federal Home Loan Bank Board] Finance and appropriate federal regulatory agency. Subject to such rules and without the prior approval of the members of the association, the board of directors of the association is authorized, by resolution or resolutions from time-to-time adopted and approved by the director of the Division of [Savings and Loan Supervision] Finance, to provide in supplementary sections for the issuance of mutual capital certificates and to fix and state the voting powers, designations, preferences and the relative participating, optional or other special rights of the certificates and the qualifications, limitations and restrictions thereon. Members of the association shall not be entitled to preemptive rights with respect to the issuance of mutual capital certificates, nor shall holders of such certificates be entitled to preemptive rights with respect to any additional issues of mutual capital certificates."; and

(F) The association shall have complied with the requirements of [12 CFR 563g] applicable federal regulations regarding securities offerings. The association shall file with the director one (1) copy of any offering circular, amendment, notice, securities sales report or other documents and reports filed with the [Federal Home Loan Bank Board pursuant to 12 CFR 563g] appropriate federal regulatory agency in connection with the issuance of mutual capital certificates.

(2) An association, the accounts of which are not insured by the [FSLIC] Federal Deposit Insurance Corporation, shall file its application for issuance of mutual capital certificates solely with the director in the same form and pursuant to the same requirements that would be necessary if the association's accounts were insured by the [FSLIC] Federal Deposit Insurance Corporation. Any of these requirements may be waived by the director in the case of an uninsured association as s/he in his/her discretion shall deem prudent and proper.

*Auth: sections 369.144, RSMo (Cum. Supp. 1989) and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-3.050. Emergency rule filed Jan. 19, 1981, effective Jan. 29, 1981, expired May 10, 1981. Original rule filed Jan. 19, 1981, effective May 11, 1981. Rescinded and readopted: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-15.050, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 140—Division of Finance**  
**Chapter 16—Association Branches and Other Facilities**

## PROPOSED AMENDMENT

**4 CSR 140-16.010 Branch Offices, Mobile Facilities and Tandem Branch.** The division is amending the Purpose section and subsections (2)(A), (3)(B), (5)(B) and (6)(A).

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.*

*PURPOSE: The purpose of this regulation is to create a uniform procedure to be followed by a savings and loan association in establishing either a branch office, mobile facility or tandem branch as defined by the regulation. An association must have the written approval of the director of the Division of [Savings and Loan Supervision] Finance before establishing a branch, tandem branch or mobile facility. The regulation requires that a uniform application be used when applying for a branch, tandem branch or mobile facility. Requirements are stated as to when the director of the Division of [Savings and Loan Supervision] Finance may approve a branch, tandem branch or mobile facility. The director of the Division of [Savings and Loan Supervision] Finance must conditionally determine whether an application for a branch, tandem branch or mobile facility should be granted. If a conditional approval is granted, all associations within that county or adjoining county must be notified of the conditional approval. An association upon notice of conditional approval shall have thirty days to file a written protest in the form prescribed by the regulation. A hearing on the application may be held if requested. After a hearing, upon rendition of a decision by the director, either the applicant or protestant may appeal to the Savings and Loan Commission. If there is no hearing upon an application, or if no appeal is filed, the facility must be opened within twelve months or an extension of time to open is obtained from the director of the Division of [Savings and Loan Supervision] Finance. If an association moves an office more than a mile from its present location, the written approval of the director of the Division of [Savings and Loan Supervision] Finance must be obtained. An association may invest in real estate for an office or related facility provided this investment does not exceed twenty-five percent of the net worth of an association.*

# Proposed Rulemaking

(2) Branch Office, Mobile Facilities and Tandem Branch.

(A) No association shall establish a branch office, mobile facility or tandem branch without the prior written approval of the director. An applicant for a branch office, mobile facility or tandem branch shall submit its application in duplicate on the form prescribed by the director as "Outline of information to be submitted in support of an application to establish a branch office or mobile facility." This form may be obtained from the Division of [Savings and Loan Supervision] Finance.

(3) Determination [B] by the Director.

(B) If the director conditionally determines that approval of the application should be granted, s/he shall give written notice to the applicant and to each association and federal association located or having an office in the county, which term for the purpose hereof shall include the City of Saint Louis, or in any county adjoining the county in which the proposed branch office, mobile facility or tandem branch is to be located and, if there is an insured association located in such area, to the [Federal Home Loan Bank of Des Moines, Iowa] appropriate federal regulatory agency.

(5) Appeals of Decision of the Director.

(A) The applicant or any protestant may appeal the decision of the director whether or not there has been a hearing by the director as provided in sections 369.314 and 369.319, RSMo (1986) [;].

(B) Within fifteen (15) days after notice of the director's decision is mailed, an appeal shall be perfected by filing with the director a notice of appeal stating the name of the appealing party, the order or decision appealed from and the reasons for the appeal. Originals of any and all filings, pleadings, briefs, memoranda, etc., shall be filed in the office of the Division of [Savings and Loan Supervision] Finance with copies sent to each member of the commission [; and] .

(6) Branch Location and Extension of Time to Open a Branch.

(A) Upon final approval of a branch, mobile or tandem application by the director and in the event no appeal is filed with the State Savings and Loan Commission, an association shall notify the Division of [Savings and Loan Supervision] Finance of the location of the branch, mobile or tandem office including the street address. In the event that the location changes prior to the opening, the Division of [Savings and Loan Supervision] Finance shall be immediately notified.

Auth: sections 369.299(2) and 369.329(1), RSMo (1986). This rule previously filed as

4 CSR 260-4.010. Original rule filed Sept. 28, 1971, effective Oct. 7, 1971. Amended: Filed Aug. 18, 1972, effective Aug. 28, 1972. Amended: Filed Dec. 22, 1975, effective Dec. 31, 1975. Amended: Filed July 14, 1978, effective Nov. 13, 1978. Amended: Filed Aug. 15, 1983, effective Nov. 11, 1983. Amended: Filed June 23, 1989, effective Sept. 28, 1989. Changed to 4 CSR 140-16.010, effective July 6, 1994. Amended: Filed Nov. 8, 1994.

STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 140—Division of Finance Chapter 16—Association Branches and Other Facilities

#### PROPOSED AMENDMENT

4 CSR 140-16.035 Loan Office. The division is amending section (1).

PURPOSE: This amendment deletes reference to an outdated form.

(1) Application. Upon written approval from the director, an association may establish a loan office. The application for permission to establish a loan office must be on a branch application form [(DLSL/10/85)] and must include the same information as that required for a branch, tandem branch, mobile facility or agency.

Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-4.035. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-16.035, effective July 6, 1994. Amended: Filed Nov. 8, 1994.

STATE AGENCY COST: This Proposed Amendment will not cost state agencies

or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 140—Division of Finance Chapter 17—Association Reserves and Liquidity

#### PROPOSED AMENDMENT

4 CSR 140-17.010 Reserves. The division is amending the Purpose section, Editor's Note and text of the rule.

PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.

PURPOSE: This regulation requires savings and loan associations to establish a general reserve account in compliance with [12 CFR Part 563.13] applicable federal regulations.

Editor's Note: Copies of all referenced federal regulations are available to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s office.] at a cost established by state law.

Each association shall maintain a general reserve account in an amount at least equal to that required of insured associations [under 12 CFR Part 563.13] by applicable federal regulations. This general reserve shall be used solely for the purpose of absorbing losses. An association may establish and maintain such additional general or specific reserves as determined by the board of directors.

Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-5.010. Original rule filed Sept. 28, 1971, effective

Oct. 8, 1971. Changed to 4 CSR 140-17.010, effective July 6, 1994. Amended: Filed Nov. 8, 1994.

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 140—Division of Finance**  
**Chapter 17—Association Reserves and Liquidity**

**PROPOSED AMENDMENT**

**4 CSR 140-17.020 Liquidity.** The division is amending sections (1) and (2).

**PURPOSE:** This amendment updates the rule by striking the names of federal agencies which no longer exist.

(1) Liquid Assets Defined. Liquid assets shall include cash on hand and in deposits with banks, including Federal Home Loan Banks, and such other assets as may be determined from time-to-time to qualify under the rules of the [Federal Home Loan Bank Board] federal regulatory agency for associations insured by the Federal [Savings and Loan] Deposit Insurance Corporation.

(2) Associations shall maintain an average daily balance of liquid assets as required from time-to-time by [rules of the Federal Home Loan Bank Board] applicable federal regulations for insured associations. For purposes of section 369.224, RSMo (1986), an association shall maintain at a minimum an average daily balance of liquid assets not less than four percent (4%) of the average daily balance of its liquidity base during the preceding calendar month, or such other minimum that the director in his/her discretion may set on a case-by-case basis.

*Auth: section 369.014 and 369.299, RSMo (1986) and 369.224, RSMo (Cum.*

*Supp. 1989). This rule previously filed as 4 CSR 260-5.020. Original rule filed Sept. 28, 1971, effective Oct. 8, 1971. Amended: Filed Dec. 13, 1974, effective Dec. 23, 1974. Rescinded and readopted: Filed July 14, 1978, effective Nov. 13, 1978. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-17.020, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 140—Division of Finance**  
**Chapter 19—Association Appraisal [s] Rules**

**PROPOSED AMENDMENT**

**4 CSR 140-19.010 Appraisals.** The division is amending the Editor's Note and the text of the rule.

**PURPOSE:** This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.

*Editor's Note: Copies of all referenced federal regulations are available to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s office.] at a cost established by state law.*

A prudent lending policy is to be established by each association's board of directors. An association may make a real estate loan only after a qualified person designated by its board of directors has executed and submitted a

signed appraisal of the security property. Each appraisal shall be made in accordance with standard appraisal techniques and practices and shall contain all applicable approaches to the determination of the fair market value of the property. The appraisal must be rendered in accordance with the general appraisal guidelines issued by the [Federal Home Loan Bank Board] appropriate federal regulatory agency and in a form approved by the American Institute of Real Estate Appraisers, the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Corporation.

*Auth: section 369.249, RSMo (1986). This rule previously filed as 4 CSR 260-7.010. Original rule filed Sept. 28, 1971, effective Oct. 8, 1971. Amended: Filed May 21, 1974, effective May 31, 1974. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-19.010, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 140—Division of Finance**  
**Chapter 20—Association Loans**

**PROPOSED AMENDMENT**

**4 CSR 140-20.015 Establishment and Maintenance of Records.** The division is amending the Editor's Note and the text of the rule.

**PURPOSE:** This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.

# Proposed Rulemaking

*Editor's Note: Copies of all referenced federal regulations are available at a cost established by state law to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office.] at a cost established by state law.*

The records established and maintained by associations for all loans made that are secured by real estate shall meet the minimum requirements set forth in [12 CFR 563.17-1(c)(1)] applicable federal regulations and any other requirements that the director may set. For loans not secured by real estate, associations must establish and maintain documentation as is consistent with the safe and sound operation of an association.

*Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-8.015. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-20.015, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 140—Division of Finance Chapter 20—Association Loans

### PROPOSED AMENDMENT

**4 CSR 140-20.041 Commercial Loans.** The division is amending the Editor's Note and section (2).

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.*

*Editor's Note: Copies of all referenced federal regulations are available at a cost established by state law to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office.] at a cost established by state law.*

(2) The aggregate amount which an association may invest in commercial loans shall not exceed fifteen percent (15%) of the association's assets or higher percentage as the director may authorize upon application. Further, total commercial loans to one (1) borrower (excluding service corporations and finance subsidiaries of an association) shall not exceed fifteen percent (15%) of an association's unimpaired capital and unimpaired surplus, plus an additional ten percent (10%) for loans fully secured by readily marketable collateral, as set forth in [12 CFR 563.9-3] applicable federal regulations. Notwithstanding the provisions of 4 CSR [260-8.025(2)] 140-20.025(2), the percentage of assets limitation of this rule shall apply to—

*Auth: sections 369.144, RSMo (Cum. Supp. 1989) and 369.229 and 369.249, RSMo (1986). This rule previously filed as 4 CSR 260-8.041. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-20.041, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 140—Division of Finance Chapter 20—Association Loans

### PROPOSED AMENDMENT

**4 CSR 140-20.052 Loans to Officers, Directors and Employees.** The division is

amending the Editor's Note and the text of the rule.

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.*

*Editor's Note: Copies of all referenced federal regulations are available at a cost established by state law to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office.] at a cost established by state law.*

An association may make any loans to its officers, directors and employees that fully comply with the applicable terms and conditions of this chapter, provided that all such loans must conform to the restrictions set forth in [12 CFR 563.43(b)] applicable federal regulations.

*Auth: sections 369.144, RSMo (Cum. Supp. 1989) and 369.229, 369.249 and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-4.052. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-20.052, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 140—Division of Finance Chapter 20—Association Loans

### PROPOSED AMENDMENT

**4 CSR 140-20.072 Alternative Mortgage Instruments.** The division is amending the Editor's Note and section (4).

**PURPOSE:** This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.

*Editor's Note: Copies of all referenced federal regulations are available at a cost established by state law to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office.] at a cost established by state law.*

(4) In addition to the other required disclosures, an association making adjustable rate mortgage loans under this rule shall provide a clear and concise description of the nature of adjustable rate mortgage loans to each applicant for this loan as is required in [12 CFR 563.99] applicable federal regulations. The booklet entitled Consumer Handbook on Adjustable Rate Mortgages, published by the Federal Reserve Board [and the Federal Home Loan Bank Board] or other appropriate federal agency, shall constitute a disclosure in compliance with this section. This disclosure is not required in connection with the extension of consumer credit even if it is secured by a home or in connection with any other loan if the home is not the primary security for the loan.

*Auth: sections 369.144, RSMo. (Cum. Supp. 1989) and 369.229, 369.249 and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-8.072. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-20.072, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of

this notice in the Missouri Register. No public hearing is scheduled.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 140—Division of Finance Chapter 20—Association Loans

#### PROPOSED AMENDMENT

**4 CSR 140-20.096 Loans on Securities.** The division is amending the Editor's Note and the text of the rule.

**PURPOSE:** This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.

*Editor's Note: Copies of all referenced federal regulations are available at a cost established by state law to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office.] at a cost established by state law.*

An association may invest in loans secured by obligations of or by obligations fully guaranteed as to principal and interest by the United States or any agency or instrumentality of the United States listed in [12 CFR 523.10(g)(3)] applicable federal regulations, if the borrower is a financial institution insured by the Federal Deposit Insurance Corporation [or the Federal Savings and Loan Insurance Corporation] or is a broker or dealer registered with the Securities and Exchange Commission and provided the market value of the securities for each loan at least equals the amount of the loan at the time it is made.

*Auth: sections 369.249 and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-8.096. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-20.096, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate

General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 140—Division of Finance Chapter 21—Association's Sources of Borrowed Money and Authorized Investments

#### PROPOSED AMENDMENT

**4 CSR 140-21.011 Sources of Borrowed Money.** The division is amending the Editor's Note and sections (1)—(3).

**PURPOSE:** This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.

*Editor's Note: Copies of all referenced federal regulations are available at a cost established by state law to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office.] at a cost established by state law.*

(1) Amount of Borrowed Money. Associations may borrow money in any amount approved by its creditors subject to limitations, if any, that may be imposed by [the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation] applicable federal regulations.

(2) Security for Borrowed Money. Associations may pledge and otherwise encumber any of its assets to secure its debts. The terms of the security agreement or other documentation shall provide, however, for the provisions contained in [12 CFR 563.8-2] applicable federal regulations along with a written notification to the director in the event of any default on the obligation. In addition, associations may act as surety to the same extent as federal associations [in accordance with 12 CFR 545.16 and 12 CFR 545.103].

(3) Sources of Borrowed Money. Associations may borrow money from—

(B) Any other source, provided the requirements contained in [12 CFR 563.8] applicable federal regulations concerning outside borrowings are met.

# Proposed Rulemaking

*Auth: sections 369.144, RSMo (Cum. Supp. 1989) and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-9.011. Original rule filed July 14, 1978, effective Nov. 13, 1978. Rescinded and readopted: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-21.011, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 140—Division of Finance Chapter 21—Association's Sources of Borrowed Money and Authorized Investments

### PROPOSED AMENDMENT

**4 CSR 140-21.021 Authorized Investments.** The division is amending the Editor's Note and subsections (1)(B) and (C), and (2)(A) and (D).

**PURPOSE:** *This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.*

*Editor's Note: Copies of all referenced federal regulations are available at a cost established by state law to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office.] at a cost established by state law.*

(1) An association may invest in the following without percentage of assets limitations:

(B) Stock or obligations of any Federal Home Loan Bank, [of the Federal Savings and Loan Insurance Corporation,] of the Federal

National Mortgage Association, of the Government National Mortgage Association, of the Federal Home Loan Mortgage Corporation, of the Student Loan Marketing Association or of any corporation or agency of the United States or of this state succeeding any of these corporations or performing similar functions; and

(C) Liquid assets described in [12 CFR 523.10(g)] applicable federal regulations regardless of stated maturity limitations (other than maturity limitations for bankers' acceptances).

(2) Subject to the stated limitations, an association may invest in the following:

(A) Demand, time or savings deposits or accounts of any insured financial institution (including loans of unsecured day(s) funds such as federal funds) and in debt securities hedged with a firm forward commitment, subject to [the limitations provided in 12 CFR 563.9-6] applicable federal regulations;

(D) Commercial paper and corporate debt securities, subject to the limitations and restrictions provided in [12 CFR 545.75(b) and 563.9-3(b)(3)] applicable federal regulations;

*Auth: sections 369.219, RSMo (Cum. Supp. 1989) and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-9.021. Original rule filed July 14, 1978, effective Nov. 13, 1978. Rescinded and readopted: Filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed Sept. 15, 1987, effective Nov. 23, 1987. Changed to 4 CSR 140-21.021, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 140—Division of Finance Chapter 21—Association's Sources of Borrowed Money and Authorized Investments

### PROPOSED AMENDMENT

**4 CSR 140-21.031 Forward Commitments, Interest-Rate Futures and Financial Options Transactions.** The division is amending the Editor's Note and sections (1)—(3).

**PURPOSE:** *This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by striking references to federal agencies which no longer exist.*

*Editor's Note: Copies of all referenced federal regulations are available at a cost established by state law to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office.] at a cost established by state law.*

(1) An association may make forward commitments to purchase securities (including mortgage loans) subject to the limitations set forth in [12 CFR 563.17-3] applicable federal regulations and the recordkeeping requirements of [that] those regulations.

(2) An association may engage in interest-rate futures transactions to reduce its net interest rate risk exposure subject to the limitations set forth in [12 CFR 563.17-4] applicable federal regulations and the recordkeeping requirements of [that] such regulations. Each association engaging in such transactions shall provide written notification to the director at the inception of that activity.

(3) An association may engage in financial options transactions to reduce its net interest rate risk exposure subject to the limitations set forth in [12 CFR 563.17-5] applicable federal regulations and the recordkeeping requirements of [that] such regulations. Each association engaging in these transactions shall provide written notification to the director at the inception of that activity.

*Auth: sections 369.144, RSMo (Cum. Supp. 1989) and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-9.031. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-21.031, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 140—Division of Finance Chapter 21—Association's Sources of Borrowed Money and Authorized Investments

#### PROPOSED AMENDMENT

**4 CSR 140-21.040 Development Finance Corporation Investments and Loans.** The division is amending the Purpose section and section (1).

**PURPOSE:** *This amendment updates the rule by striking the name of a federal agency which no longer exists and substituting Division of Finance for Division of Savings and Loan Supervision.*

**PURPOSE:** *This rule complies with section 371.120.3(2), RSMo, which authorizes the director [of the Division of Savings and Loan Supervision] to adopt a rule to fix and prescribe limits under which a savings and loan association may invest in, become a member of and lend to or commit to lend to a development finance corporation chartered and supervised by the commissioner of finance under Chapter 371, RSMo. Savings and loan associations are authorized to become members of these corporations pursuant to section 371.120, RSMo.*

(1) An association [whose accounts are insured by the Federal Savings and Loan Insurance Corporation and] whose fiscal year end net worth is in excess of five percent (5%) of its withdrawable accounts is authorized to invest in, to become a member of and lend to, or commit to lend to a development finance

corporation chartered and supervised by the commissioner of finance under Chapter 371, RSMo. The aggregate amount of these investments, loans and commitments to lend of any such insured association outstanding at any time shall not exceed one-half of one percent (.5%) of the fiscal year end total assets of that insured association or two hundred fifty thousand dollars (\$250,000), whichever is the lesser.

**Auth:** *sections 369.144(7) and (9), RSMo (Cum. Supp. 1989) and 369.299(2) and (6) and 371.120, RSMo (1986). This rule previously filed as 4 CSR 260-9.040. Original rule filed July 16, 1979, effective Oct. 12, 1979. Changed to 4 CSR 140-21.040, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 140—Division of Finance Chapter 22—Association's Savings Accounts

#### PROPOSED AMENDMENT

**4 CSR 140-22.060 Investment of Public Funds.** The division is amending subsection (1)(B).

**PURPOSE:** *This amendment updates the rule by striking the names of federal agencies which no longer exist.*

(1) Savings and deposit accounts in insured associations that are legal and proper investments or depositories for the state of Missouri and all political subdivisions or instrumentalities of the state of Missouri and the government of the United States and all agencies thereof may be opened in accordance with the provisions of this regulation.

(B) An insured association may pledge funds or assets, as required by law, as additional security for invested public funds so that the value of pledged funds or assets shall at all times be not less than one hundred percent (100%) of the actual amount of the funds on deposit, less the amount insured by the Federal [Savings and Loan] Deposit Insurance Corporation, provided that the director of the division may, at any time or on any conditions, prohibit or limit the making of additional pledges of assets of a designated association.

**Auth:** *section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-10.060. Original rule filed March 24, 1975, effective April 2, 1975. Rescinded and readopted: Filed July 14, 1978, effective Nov. 13, 1978. Changed to 4 CSR 140-22.060, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this Proposed Rulemaking with the Division of Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 140—Division of Finance Chapter 22—Association's Savings Accounts

#### PROPOSED AMENDMENT

**4 CSR 140-22.070 Keogh and IRA Accounts.** The division is amending section (2).

**PURPOSE:** *This amendment updates the rule by striking the name of a federal agency which no longer exists and substituting the name of its successor.*

(2) An association acting as trustee or custodian pursuant to section (1) shall include in bold type on the first page of any contract documents the following language: "Funds

# Proposed Rulemaking

invested pursuant to this agreement are not insured by the Federal [Savings and Loan] Deposit Insurance Corporation (["FSLIC"/"FDIC"]) merely because the trustee or custodian is an institution the accounts of which are covered by such insurance. Only investments in the accounts of such an institution are insured by the [FSLIC] FDIC, subject to its rules and regulations."

*Auth: sections 369.144, RSMo (Cum. Supp. 1989) and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-10.070. Original rule filed March 24, 1975, effective April 2, 1975. Rescinded and readopted: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-22.070, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 140—Division of Finance  
Chapter 22—Association's Savings Accounts

### PROPOSED AMENDMENT

**4 CSR 140-22.080 Credit and Debit Cards.**  
The division is amending the Purpose section.

**PURPOSE:** *This amendment updates the rule by striking the name of a federal agency which no longer exists.*

**PURPOSE:** *This rule will authorize state chartered savings and loan associations to engage in credit and debit card operations; and will comport with [recent] applicable federal regulations [of the Federal Home Loan Bank Board] to permit federally chartered associations to engage in similar activities as well as permit debit card participation.*

*Auth: sections 369.144, RSMo (Cum. Supp. 1989) and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-10.080. Original rule filed Oct. 15, 1980, effective Jan. 12, 1981. Changed to 4 CSR 140-22.080, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 140—Division of Finance  
Chapter 23—Association's Service Corporations

### PROPOSED AMENDMENT

**4 CSR 140-23.010 Service Corporations.**  
The division is amending the Purpose section, Editor's Note, and subsections (1)(B), (D) and (E), (3)(D) and (E), and (4)(B), (D) and (E).

**PURPOSE:** *This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and by replacing references to specific federal rules with a more general reference.*

**Editor's Note:** *Copies of all referenced federal regulations are available to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office] at a cost established by state law.*

(1) Definitions. As used in this regulation—

(B) Conforming loan means a loan or portion of a loan which an association may make under [c] Chapter [8] 20 except unsecured construction loans. A guarantee or takeout commitment with respect to a loan which could have been made by an association as a conforming loan may be deemed a

conforming loan for purposes of this regulation, if the association complies with all requirements for such loans, including appraisal and recordkeeping requirements, as though it were itself making the loan subject to its guarantee or take-out commitment;

[(D) Scheduled items and specified assets have the meanings prescribed in 12 CFR 561.15 and 12 CFR 561.17;] and

[(E) (D) Subsidiary includes a wholly-owned subsidiary and any joint venture in which a service corporation or wholly-owned subsidiary thereof owns, controls or holds with power to vote more than twenty-five percent (25%) of the capital stock, is a general partner or is a limited partner and has contributed more than twenty-five percent (25%) of the limited partnership's capital.

(3) Permitted Activities. A service corporation in which an association may invest is permitted to engage in activities reasonably related to the activities of associations as the director may approve. Applications for approval to engage in such activities shall be made to the director. In addition, a service corporation may engage in the following activities without prior approval:

(D) Other Investments.

1. Making investments in securities and in corporations or partnerships authorized by Title IX of the Housing and Urban Development Act of 1968;

2. Investing in any savings accounts in any insured association, provided that the service corporation receives no consideration, other than interest at the current market rate, for opening or maintaining any such account;

3. Investing in the capital stock or in the accounts of an interim association that has been chartered solely for the purpose of becoming a constituent in a merger that will result in the acquisition of a stock association by a savings and loan holding company or by a company which will, after the acquisition, be a savings and loan holding company;

4. Investing in tax-exempt bonds of state governments or political subdivisions thereof used to finance residential real property for family units and issued pursuant to section 103 of the Internal Revenue Code, and tax-exempt obligations of public housing agencies used to finance housing projects with rental assistance subsidies and issued pursuant to section 11(b) of the United States Housing Act of 1937;

5. Investing in the capital of a small business investment company or minority enterprise small business investment company licensed pursuant to section 301(d) of the Small Business Investment Act of 1958 by the United States Small Business Administration to invest in small businesses engaged exclusively in the activities listed in subsections (3)(A)—(E) of this regulation;

6. Engaging in interest rate futures transactions and financial options trading subject

to the provisions of 4 CSR [260-9.031] 140-21.031, but not subject to any notification requirements therein; and

7. Making investments to the same extent as authorized for associations in 4 CSR [260-9.021] 140-21.021;

(E) Other Services.

1. Preparing state and federal tax returns for individuals or other entities;

2. Serving as insurance broker or agent, or serving as agent for the procurement of judicial bonds (other than bail bonds), fidelity bonds and surety bonds, and organizing, purchasing or owning insurance companies either solely or with others for liability, casualty, credit, automobile, life, health, accident or title insurance, including reinsurance, but not private mortgage insurance;

3. Providing fiduciary services upon application to the director pursuant to 4 CSR [260-15-010] 140-27.010;

4. Issuing notes, bonds, debentures or other obligations or securities;

5. Issuing credit cards, extending credit in connection therewith and otherwise engaging in or participating in credit card operations;

6. Acquiring personal property, including office equipment, for the purpose of selling or leasing such property or obtaining an assignment of a lessor's interest in a lease of such property;

7. Providing data processing services to the extent permitted to the parent association;

8. Issuing letters of credit;

9. Serving as broker, dealer or exchange for the sale, purchase or transfer of loans authorized for service corporations or any negotiable instrument or evidence of indebtedness for which the security is such loans, in accordance with other provisions of law;

10. Offering for sale and selling debt instruments secured by loans authorized for service corporations held for the account of the service corporation, in accordance with other provisions of law;

11. Making political contributions as otherwise authorized by law;

12. Engaging in the conduct of a safe deposit vault business;

13. Engaging in the conduct of a money market fund;

14. Acting as securities dealer and to conduct stock, bond and security business;

15. Serving as an agent for collection of funds due any utility as otherwise authorized by law; and

16. Purchasing and selling gold coins minted and issued by the United States Treasury; and

(4) Amount of Investment.

(B) In addition to amounts which it may invest under subsection (4)(A) of this regulation, an association that meets the minimum net worth requirement for that association as set forth in [12 CFR 563.13(b)] and that has a

ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets of not more than two and one-half percent (2.5%) (except as provided in subsection (4)(D) of this regulation)] applicable federal regulations may lend additional amounts as follows:

1. An amount not to exceed net worth may be invested in conforming loans and functionally equivalent leases made to each service corporation of which the association owns or holds with power to vote not more than ten percent (10%) of the capital stock and to each joint venture, in which a service corporation of which the association is a stockholder, including subsidiaries of such service corporation, owns or holds with power to vote not more than a total of ten percent (10%) of the capital stock or is a limited partner and has contributed not more than ten percent (10%) of such joint venture's capital; and

2. An aggregate outstanding amount not to exceed fifty percent (50%) of net worth may be invested in conforming loans and functionally equivalent leases to all service corporations in which the association owns more than ten percent (10%) of the capital stock and to all joint ventures in which service corporations in which the association is a stockholder, including subsidiaries of such service corporations, own or hold with power to vote more than a total of ten percent (10%) of the capital stock or are partners.

[(D)] An association that has a net worth at least equal to the minimum net worth requirement for an association on the annual closing date of the twentieth anniversary of its insurance of accounts, may apply to the director for an exception from the scheduled items limitation in subsection (4)(B) of this regulation. The application shall be supported by information evidencing the association's sound investment, lending, appraisal and underwriting policies and favorable operating results. The application is approved if, within thirty (30) calendar days after the date the director receives it, s/he has not notified the applicant that approval is withheld.]

[(E)] (D) The loans-to-one-borrower limitations of [12 CFR 563.9-3] applicable federal regulations shall not apply to loans to a service corporation.

Auth: sections 369.219, RSMo (Cum. Supp. 1989) and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-11.010. Original rule filed Sept. 28, 1971, effective Oct. 8, 1971. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 8, 1994.

STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 140—Division of Finance**  
**Chapter 23—Association's Service Corporations**

**PROPOSED AMENDMENT**

**4 CSR 140-23.020 Foreign Service Corporation.** The division is amending the Purpose section and sections (1) and (3).

**PURPOSE:** This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision.

**PURPOSE:** A foreign service corporation, chartered by another state, shall obtain approval of the director prior to commencing business in the state of Missouri and shall agree to be subject to examination by the Division of [Savings and Loan Supervision] Finance.

(1) A foreign service corporation, for purposes of this regulation, shall include any corporation incorporated in a state other than Missouri, more than half of whose stock is owned, directly or indirectly, by one (1) or more savings and loan associations [or federal savings and loan associations] .

(3) The corporation shall be subject to examination by the Division of [Savings and Loan Supervision] Finance. As a condition of the approval required, the corporation shall execute and file with the director a written agreement that the corporation will permit and pay the cost of such examination of the corporation by the office of the state director as the office of the state director from time-to-time considers necessary. The purpose of such examination shall be to determine whether the corporation is complying with the laws and regulations of the state of Missouri.

Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-11.020.

# Proposed Rulemaking

Original rule filed Nov. 16, 1973, effective Nov. 26, 1973. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-23.020, effective July 6, 1994. Amended: Filed Nov. 8, 1994.

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 140—Division of Finance Chapter 23—Association's Service Corporations

#### PROPOSED AMENDMENT

4 CSR 140-23.030 Finance Subsidiaries. The division is amending the Editor's Note, section (2), subsections 3(A), (B) and (4)(B), section (5) and subsection (6)(C).

**PURPOSE:** This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision, by substituting a generic reference for the name of a federal agency and by replacing references to specific federal rules with a more general reference.

**Editor's Note:** Copies of all referenced federal regulations are available to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office] at a cost established by state law.

(2) Establishment of Finance Subsidiaries. An association may establish one (1) or more finance subsidiaries as defined in subsection (1)(C) of this regulation. Prior to the establishment of any finance subsidiary, the board of directors of the association shall, by resolution, vote to authorize the creation of a finance subsidiary in furtherance of a written business

plan to reduce interest rate risk and to control credit risk and shall agree to make the books and records of its finance subsidiary available to the director [and the Federal Home Loan Bank Board]. The board of directors of an association shall be responsible for monitoring the use of all proceeds obtained through the issuance of securities by the finance subsidiary and shall ensure compliance with the business plan pursuant to which the finance subsidiary was established.

(3) Transactions Between a Parent Association and its Finance Subsidiaries.

(B) A finance subsidiary shall not be consolidated with its parent association for purposes of calculating the net-worth requirement of the parent association pursuant to [12 CFR 563.13, but the parent association shall be subject to the requirements of 12 CFR 563.13-2] applicable federal regulations.

(E) The amount of assets transferred (as defined in subsection (1)(B) of this regulation) by an association to a finance subsidiary shall not be subject to the loans-to-one-borrower limitations imposed by [12 CFR 563.9-3] applicable federal regulations.

(4) Issuance of Securities by Finance Subsidiaries.

(B) A finance subsidiary shall not issue or deal in the deposits or savings accounts of its parent association or state or imply that securities issued by it are insured by the Federal [Savings and Loan] Deposit Insurance Corporation.

(5) Transfer of Proceeds of the Issuance of Securities. All proceeds from the issuance of any security by a finance subsidiary, net of the reasonable costs (including any proceeds held in the subsidiary for collateral maintenance, fee payment or any other necessary expenses related to the finance subsidiary's securities issuances or collateralizing assets) associated with the issuance of securities by the finance subsidiary and the organization of the finance subsidiary, shall be remitted to the finance subsidiary's parent association. Such remittance may be made by the payment of dividends on the common stock issued by a finance subsidiary to its parent; by a redemption of the common stock issued by the finance subsidiary to its parent association; by the repayment of any loan made by the parent to the finance subsidiary as part of the capitalization of the subsidiary; or by the purchase of assets of, or liabilities issued by, the parent association (subject to the limitations of subsection (3)(A) of this regulation on the aggregate and per-issuance transfers by a parent association to a finance subsidiary) provided that, any capital stock (common or preferred), mutual capital certificate, subordinate debt or any other security that would otherwise be considered to be regulatory net

worth as defined in [12 CFR 561.13] applicable federal regulations shall not, if issued by the parent association to its finance subsidiary, be included in the parent association's regulatory net worth unless no assets of the parent association have been transferred to the finance subsidiary, the transaction transfers the risk of equity ownership to parties other than the finance subsidiary or any insured institution and the director approves the transaction. The remittance of proceeds to a parent association by any method shall not reduce the amount of assets transferred to a finance subsidiary for purposes of the transfer limitations of subsection (3)(A) of this regulation.

(6) Notification to the Director.

(C) Prior Approval of the Director.

1. Any association that fails to meet its net-worth requirement, as provided in [12 CFR 563.13] applicable federal regulations, or that is operating under any supervisory agreement, shall not establish a finance subsidiary, transfer assets to an existing finance subsidiary or issue additional securities through an existing finance subsidiary without the prior written approval of the director. To obtain the written approval of the director, the board of directors of the association or an authorized executive committee shall submit a written application containing the information specified in subsection (6)(A) of this regulation, as well as any additional information required by the director.

2. Within ten (10) days of the filing of an application specifically designated as filed pursuant to paragraph (6)(C)1. of this regulation or any additional information by an association subject to such paragraph, the director shall notify the applicant in writing either that all information required has been filed or that additional specified information must be filed. If the director does not act on the application within thirty (30) days of the date of written notice that all required information has been filed, such application shall be deemed to be approved.

3. The director shall approve the application of an association, subject to the requirements of paragraph (6)(C)1. of this regulation, unless the director finds that the establishment and operation of a finance subsidiary, the transfer of assets to an existing finance subsidiary or the issuance of additional securities by an existing finance subsidiary is likely to affect adversely the financial condition or the safe and sound operation of the parent association. An adverse determination made by the director may be challenged by filing, within fifteen (15) days after notice of the director's decision is mailed, a notice of appeal as provided for in section 369.319, RSMo [(1986)].

(7) Examination of Finance Subsidiaries. A finance subsidiary shall agree in writing to permit and to facilitate examinations and to pay any costs of such examinations as the director and the [Federal Home Loan Bank Board] appropriate federal agency may deem necessary or appropriate.

*Auth: sections 369.144, RSMo (Cum. Supp. 1989) and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-11.030. Emergency rule filed May 15, 1985, effective May 25, 1985, expired Sept. 22, 1985. Original rule filed May 24, 1985, effective Aug. 26, 1985. Rescinded and readopted: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-23.030, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 140—Division of Finance**  
**Chapter 24—Miscellaneous Association Rules**

**PROPOSED AMENDMENT**

**4 CSR 140-24.010 Deposit Associations.** The division is amending the Purpose section.

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision.*

*PURPOSE: This rule provides that all rules of the Division of [Savings and Loan Supervision] Finance apply to deposit associations as well as share type associations.*

*Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-12.010. Original rule filed Sept. 28, 1971, effective*

*Oct. 8, 1971. Changed to 4 CSR 140-24.010, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 140—Division of Finance**  
**Chapter 24—Miscellaneous Association Rules**

**PROPOSED AMENDMENT**

**4 CSR 140-24.050 Examination Charges.** The division is amending the text of this rule.

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision.*

An association shall pay for each annual or special examination by state examiners of the Division of [Savings and Loan Supervision] Finance, a per-diem charge for each state examiner participating in the examination. Examination per-diem charges and the effective date shall be determined and adopted by the Savings and Loan Commission. Payment of examination charges shall be made to the director of revenue and sent to the Division of [Savings and Loan Supervision] Finance.

*Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-12.050. Original rule filed Dec. 22, 1975, effective Dec. 31, 1975. Amended: Filed Aug. 15, 1983, effective Nov. 11, 1983. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed Aug. 3, 1988, effective Nov. 1, 1988. Changed to 4 CSR 140-24.050, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies

or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 140—Division of Finance**  
**Chapter 24—Miscellaneous Association Rules**

**PROPOSED AMENDMENT**

**4 CSR 140-24.080 Conversion to a Federal Mutual Holding Company.** The division is amending sections (1), (3) and (4).

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision.*

(1) Upon prior written approval of the director of the Division of [Savings and Loan Supervision] Finance, a mutual savings and loan association organized pursuant to Chapter 369, RSMo, may reorganize to become a federal mutual holding company with a Missouri chartered stock association subsidiary. In connection with a reorganization under this chapter, a mutual association may charter an interim stock association to facilitate the corporate reorganization. The majority of stock of the interim association is to be owned, except as otherwise provided in this section, by the mutual savings association. The mutual association may transfer a substantial part of its assets and liabilities, including all of its insured liabilities, to the interim savings and loan association.

(A) The director of the Division of [Savings and Loan Supervision] Finance may adopt the provisions of section 369.079(11), RSMo regarding the formation of an interim association to facilitate the chartering of an association and promote the timely consummation of the proposed reorganization.

(B) If the petition is approved, the director of the Division of [Savings and Loan Supervision] Finance shall certify his/her approval of the petition in writing to the secretary of

# Proposed Rulemaking

state along with the incorporation fee and two (2) copies of the Articles of Incorporation. The secretary of state shall then issue the Certificate of Incorporation.

(C) Criteria for approval, organization and operation of an interim association may be established by the director of the Division of [Savings and Loan Supervision] Finance.

(3) Applications for the reorganization to a federal mutual holding company shall be filed with the Division of [Savings and Loan Supervision] Finance. The applicant's plan of reorganization shall comply with the requirements of the Office of Thrift Supervision and the Federal Deposit Insurance Corporation for the formation of a federally chartered mutual holding company.

(4) No savings association subsidiary of a mutual holding company may issue stock to persons other than its mutual holding company parent in connection with a mutual holding company reorganization, or at any time subsequent to the association's acquisition by the mutual holding company, unless the association obtains advance approval of each issuance from the director of the Division of [Savings and Loan Supervision] Finance. The director may require compliance with provisions of section 369.078(2), RSMo and 4 CSR [260-16.010] 140-28.010 as s/he shall deem appropriate in connection with that stock issuance. The aggregate amount of outstanding common stock of the association owned or controlled by persons other than the association's mutual holding company parent at the close of the proposed issuance shall be less than fifty percent (50%) of the association's total outstanding common stock.

*Auth: section 369.299(2), RSMo (1986). This rule previously filed as 4 CSR 260-12.080. Original rule filed May 13, 1993, effective Oct. 10, 1993. Changed to 4 CSR 140-24.080, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of*

*this notice in the Missouri Register. No public hearing is scheduled.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 140—Division of Finance Chapter 25—Associations' Electronic Fund Transfer Systems

### PROPOSED AMENDMENT

**4 CSR 140-25.010 Electronic Fund Transfer Systems.** The division is amending the Purpose section and sections (1)–(3).

**PURPOSE:** *This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision, by substituting a generic reference for the name of a federal agency and by replacing references to specific federal rules with a more general reference.*

**Editor's Note:** *Copies of all referenced federal regulations are available to any interested party at the Division of [Savings and Loan Supervision] Finance, Room 630, 301 West High Street, Jefferson City, [MO] Missouri or the Office of the [s] Secretary of [s] State [s] office] at a cost established by state law.*

(1) Definitions. As used in this chapter—

(C) Remote Service Unit (RSU) means an information processing device, including associated equipment, structures and systems, by which information relating to financial services rendered to the public is stored and transmitted, instantaneously or otherwise, to a financial institution. Any such device not on the premises of an association that, for activation and account access, requires use of a machine-readable instrument and PSI in the possession and control of an accountholder, is an RSU. The term includes, without limitation, point-of-sale terminals, merchant operated terminals, cash-dispensing machines and automated teller machines. It excludes automated teller machines on the premises of an association, unless shared with other financial institutions. An RSU is not a branch, satellite, or other type of facility or agency of an association under Chapter [4] 16 of these regulations;

(F) Service [C] corporation means such an entity as defined by and operated in accordance with the provisions of Chapter [11] 23 of these regulations; and

(2) Remote Service Units.

(D) Privacy of Account Data. An association shall allow accountholders to obtain any information concerning their RSU accounts. Except for generic data or data necessary to

identify a transaction, no association may disclose account data to third parties, other than the [Federal Home Loan Bank Board] appropriate federal regulatory agency and the director, unless express written consent of the accountholder is given, or applicable law requires. Information disclosed to the [Federal Home Loan Bank Board] appropriate federal regulatory agency or the director will be kept in a manner to ensure compliance with the Privacy Act, 5 U.S.C. 552a. An association may operate an RSU according to an agreement with a third party or share computer systems, communications facilities or services of another financial institution only if such third party or institution agrees to abide by this subsection as to information concerning RSU accounts in the association.

(3) Security. An association shall protect electronic data against fraudulent alterations or disclosure. Every RSU shall meet the minimum security device requirements of [12 CFR 563a] applicable federal regulations as though such were offices, as defined in [12 CFR 563a.1] applicable federal regulations, except to the extent that an association satisfies the director and the [Federal Home Loan Bank Board] appropriate federal regulatory agency that those requirements are inappropriate. In such a case, alternative measures satisfactory to the director and the [Federal Home Loan Bank Board] appropriate federal regulatory agency must be taken for installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, larcenies and computer theft and to assist in the identification and apprehension of persons who commit such acts.

*Auth: sections 369.129, 369.299, 369.329 and 369.334, RSMo (1986). This rule previously filed as 4 CSR 260-13.010. Original rule filed July 14, 1978, effective Nov. 13, 1978. Amended: Filed Oct. 13, 1981, effective Jan. 14, 1982. Rescinded and readopted: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-25.010, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$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*

*Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

*of or in opposition to this Proposed Amendment with the Division of Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 140—Division of Finance  
Chapter 26—Interstate Activity by Associations**

**PROPOSED AMENDMENT**

**4 CSR 140-26.011 Transactions of Business in Missouri by Foreign Associations.**  
The division is amending subsections (1)(B) and (2)(A).

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision and deletes reference to an outdated form.*

(1) Definitions. The words and terms shown as follows when used in this regulation shall have the following meaning:

(B) Transact business shall mean transacting the business of a savings and loan association, but shall not include the activities set forth in section 362.423, RSMo [(1986)] or permissible conduct authorized by 4 CSR [260-13.020] 140-25.020.

(2) A foreign association may transact business in this state only with prior written approval of the director. In applying for approval, a foreign association shall submit the following to the director:

(A) A written application on a branch application form [(DLS/10/85)] that may be obtained from the division;

*Auth: sections 369.299 and 369.359, RSMo (1986). This rule previously filed as 4 CSR 260-14.011. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed Dec. 1, 1988, effective Feb. 15, 1989. Changed to 4 CSR 140-26.011, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:**  
*Anyone may file a statement in support*

# Proposed Rulemaking



STATE OF MISSOURI  
 DIVISION OF FINANCE  
**APPLICATION BY A STATE CHARTERED THRIFT**

301 W. HIGH STREET  
 P. O. BOX 716  
 JEFFERSON CITY, MO 65102-0716  
 (314) 751-3242

<b>APPLICATION FOR PERMISSION TO ESTABLISH A: (CHECK ONE)</b> <input type="checkbox"/> BRANCH <input type="checkbox"/> LOAN <input type="checkbox"/> AGENCY <input type="checkbox"/> OTHER _____ <input type="checkbox"/> RELOCATION	
APPLICANT INSTITUTION (Name and Home Office Address)	
PRESENT OFFICE LOCATION (Street Address or Nearest intersection, City, County, State)	PROPOSED OFFICE LOCATION (Street Address or Nearest intersection, City, County and State)
EXPECTED OPENING DATE:	
FUNCTIONS TO BE PERFORMED	
ESTIMATED VOLUME OF BUSINESS AT THE PROPOSED OFFICE	ESTIMATED ANNUAL EXPENSE AND MODE OF PAYMENT

<input type="checkbox"/> YES	<input type="checkbox"/> NO	WILL ESTABLISHMENT OF THE PROPOSED BRANCH OR CHANGE OF OFFICE LOCATION RESULT IN AN INVESTMENT WHICH EXCEEDS THE LIMITATIONS DEFINED IN 4 CSR 260-4.010(9) AND 12 C.F.R. 545.77?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	WILL OFFICE SPACE BE PURCHASED OR LEASED FROM AN AFFILIATED PERSON AS DEFINED IN 12 CFR 561.4
<input type="checkbox"/> YES	<input type="checkbox"/> NO	IS THE PROPOSED BRANCH OR CHANGE OF LOCATION TO BE LOCATED OUT OF STATE? IF YES, PLEASE PROVIDE LEGAL OPINIONS THAT EVIDENCE THE AUTHORITY TO BRANCH INTERSTATE.

IF OFFICE SPACE WILL BE LEASED, SUBMIT THE FOLLOWING INFORMATION:	
Annual Lease . . . . . \$ _____	Term of Lease _____
Leasehold Improvements . . . . . \$ _____	Options _____
Anticipated Additional Cost for Furniture, Fixtures and Equipment . . . . . \$ _____	Term of Options _____
IF THE PROPOSED OFFICE WILL OCCUPY SPACE OWNED OR TO BE PURCHASED BY THE ASSOCIATION, SUBMIT THE FOLLOWING COST/APPRaisal INFORMATION	
Building . . . . . \$ _____	If land is to be purchased, has it been appraised? <input type="checkbox"/> YES <input type="checkbox"/> NO
Land . . . . . \$ _____	Fair Market Value . . . . . \$ _____
Capital Improvements . . . . . \$ _____	If land and building is to be purchased, has it been appraised? <input type="checkbox"/> YES <input type="checkbox"/> NO
Anticipated additional cost for furniture, fixtures and equipment . . . . . \$ _____	Fair Market Value . . . . . \$ _____

Missouri

# Register

ATTACH A COPY OF THE APPLICANT'S CURRENT CRA STATEMENT AND ANY AMENDMENT NECESSITATED BY THE ESTABLISHMENT OF THE PROPOSED OFFICE. IF ANY PUBLIC COMMENT LETTERS HAVE BEEN RECEIVED REGARDING YOUR RECORD OF PERFORMANCE UNDER CRA SINCE YOUR LAST EXAMINATION, PLEASE PROVIDE A COPY OF SUCH LETTER(S) UNDER SEPARATE COVER.

ATTACH A BUDGET OF THE ASSOCIATION FOR THE CURRENT EARNINGS PERIOD AND FOR THE NEXT SEMIANNUAL PERIOD WHICH REFLECTS THE ADDITIONAL EXPENSE OF MAINTENANCE OF SUCH BRANCH OFFICE, LOAN OR AGENCY OFFICE. IF THIS APPLICATION INVOLVES A RELOCATION ONLY, DO NOT SUBMIT A BUDGET.

IF THIS IS AN AGENCY OFFICE APPLICATION, THE ASSOCIATION AND APPLICANT AGENT SHOULD FILE AN APPLICATION FOR AGENT'S LICENSE WITH THE DIVISION OF FINANCE.

IF THE APPLICANT HAS APPROVAL TO ESTABLISH AN OFFICE(S) THAT HAS NOT YET OPENED FOR BUSINESS, OR IF THE APPLICANT HAS ANOTHER APPLICATION PENDING TO ESTABLISH A BRANCH OFFICE OR AGENCY OFFICE, PROVIDE THE FOLLOWING:

PROPOSED LOCATION OF OFFICE	PENDING	UNOPENED	EXPECTED DATE OF OPENING	ESTIMATED COST OF ESTABLISHMENT OF OFFICE

### RESOLUTION AND CERTIFICATION OF BOARD OF DIRECTORS

As the duly elected officials of the above association, we certify that at a legally held meeting of the Board of Directors, a resolution was passed directing the officers of the institution to prepare and file an application for permission to establish or relocate a branch or relocate a home office as required by the Division of Finance, State of Missouri and Office of Thrift Supervision.

The undersigned officials of the institution hereby attest to the adoption of the necessary resolution and certify to the correctness of all information submitted in support of this application.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
DATE

# Proposed Rulemaking

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 140—Division of Finance Chapter 26—Interstate Activity by Associations

#### PROPOSED AMENDMENT

**4 CSR 140-26.020 Regional Acquisitions and Mergers.** The division is amending section (3).

*PURPOSE: This amendment replaces the name of a federal agency with a more generic reference.*

(3) Any foreign association intending to acquire any proprietary interest in, to gain control of, or to merge or enter into any merger agreement with any Missouri-chartered association must file an application for approval with the director. The director may require the application to include the information specified in section 369.079, RSMo [(1986)]. The applicant must file one (1) copy of any document or report filed with the [Federal Home Loan Bank Board] appropriate federal regulatory agency in connection with the proposed merger or acquisition.

*Auth: section 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-14.020. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed Dec. 1, 1988, effective Feb. 15, 1989. Changed to 4 CSR 140-26.020, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

*STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 140—Division of Finance Chapter 27—Association Trust Powers

#### PROPOSED AMENDMENT

**4 CSR 140-27.010 Trust Powers.** The division is amending subsections (7)(B) and (15)(B).

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision.*

(7) Funds Awaiting Investment or Distribution.

(B) Use by Association in Regular Business.

1. Funds held in trust by an association, including managing agency accounts, awaiting investment or distribution may, unless prohibited by the instrument creating the trust or by local law, be deposited in other departments of the association, provided that the association shall first set aside under control of the trust department as collateral security—

A. Direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest;

B. Readily marketable securities of the classes in which state chartered corporate fiduciaries are authorized or permitted to invest trust funds under the laws of this state; or

C. Other readily marketable securities as the director may determine.

2. Collateral securities or securities substituted therefore as collateral shall at all times be at least equal in face value to the amount of trust funds so deposited, but such security shall not be required to the extent that the funds so deposited are insured by the Federal [Savings and Loan] Deposit Insurance Corporation.

3. Any funds held by an association as fiduciary awaiting investment or distribution and deposited in other departments of the association shall be made productive.

(15) Revocation of Trust Powers.

(B) Such hearing shall be conducted in accordance with the provisions of 4 CSR [260-6.010] 140-18.010 and shall be fixed for a date [nor] not earlier than thirty (30) days and not later than sixty (60) days after service of such notice unless an earlier or later date is set by the director at the request of an association so served.

*Auth: sections 369.144, RSMo (Cum. Supp. 1989) and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-15.010. Original rule filed May 12, 1981, effective Aug. 13, 1981. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-27.010, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

*STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 140—Division of Finance Chapter 28—Stock Associations

#### PROPOSED AMENDMENT

**4 CSR 140-28.010 Conversion of Mutual Associations to Stock Associations.** The division is amending sections (1)—(8) and (10).

*PURPOSE: This amendment updates the rule by substituting Division of Finance for Division of Savings and Loan Supervision, by substituting a generic reference for the names of federal agencies and by replacing references to specific federal rules with a more general reference.*

(1) This regulation and regulations of the [Federal Home Loan Bank Board] appropriate federal regulatory agencies shall govern the conversion of mutual associations to capital stock associations except as the director of the Division of [Savings and Loan Supervision] Finance and the [Federal Home Loan Bank Board] appropriate federal regulatory agencies may otherwise provide in supervisory cases.

(2) As used in this regulation unless the context clearly requires otherwise, the following terms shall have the following meanings:

(A) Applicant means a mutual savings and loan association incorporated under the laws of the state of Missouri which is applying to the director of the Division of [Savings and Loan Supervision] Finance to convert to a capital stock savings and loan association;

(C) Director means the director of the Division of [Savings and Loan Supervision] Finance, state of Missouri [.] ;

(D) [FSLIC] FDIC means the Federal [Savings and Loan] Deposit Insurance Corporation or other appropriate federal regulatory agencies; and

(3) Application to Director. An applicant shall file with the director two (2) copies of an application for approval of conversion, with supporting exhibits, in the form required by [the FSLIC, including Forms AC, PS and OC] appropriate federal regulatory agencies. The applicant shall also furnish to the director such additional information as the director may request which is not included in the applicant's filing with the [FSLIC] FDIC.

(4) Content of Proposed Stock Articles of Incorporation and Bylaws. As part of the application, an applicant shall submit to the director proposed amendments to its articles of incorporation and amendments to its bylaws which shall be similar as to content and form as the stock charter and bylaws specified by the [Federal Home Loan Bank Board] appropriate federal regulatory agency for federally-chartered stock savings and loan associations, except to the extent that such federal stock charter and bylaw provisions are inconsistent with Missouri law.

(5) Content of Applicant's Plan of Conversion. The applicant's plan of conversion shall comply with the requirements of the [FSLIC] FDIC, including the determination of the eligibility record date (if applicable) with respect to subscription rights to purchase the applicant's conversion stock. The applicant's plan of conversion may also provide for employment contracts for the applicant's officers and employees upon conversion provided, however, that such contracts are in conformity with Missouri law; and for a stock option plan which shall be subject to approval by the director. The director may require provisions in an applicant's plan of conversion in addition to the requirements of the [FSLIC] FDIC if s/he determines that such additional provisions are necessary for an equitable conversion.

(6) Approval for Conversion. No plan of conversion shall be submitted to a meeting of the members of the association called for that purpose until and unless it is affirmatively found by the director that—

(D) The plan of conversion has been approved by the [FSLIC] FDIC and the converted association will have its accounts insured by the [FSLIC] FDIC;

(G) The applicant has complied with such additional requirements as are deemed necessary by the director and the [FSLIC] appropriate federal regulatory agencies for an equitable conversion.

(7) Vote by the Applicant's Members on Plan of Conversion. Upon approval by the director and the [FSLIC] appropriate federal regulatory agencies the plan of conversion shall be submitted to a meeting of the members called to consider such action.

(E) An association's members shall have no rights of approval or participation in a voluntary supervisory stock conversion approved by the director and the [Federal Home Loan Bank Board] appropriate federal regulatory agency. The director and the [Federal Home Loan Bank Board] appropriate federal regulatory agency may authorize the conversion to the stock form of an association in modified conversions pursuant to regulations of the [Federal Home Loan Bank Board] appropriate federal regulatory agency without requiring the prior approval of the association's members.

(8) Filing of Offering Circulars. The offering circulars for the applicant's subscription offering and any additional offering to the general public shall be prepared in compliance with the requirements of the [FSLIC] FDIC and any additional requirements imposed by the director. Two (2) copies of each such offering circular in preliminary form shall be filed with the director, and no such offering circular shall be distributed to the applicant's members or to the general public in final form unless it has first been declared effective by the director.

(10) A mutual association may convert to the stock form pursuant to this regulation and regulations of the [Federal Home Loan Bank Board] appropriate federal regulatory agencies as part of a transaction in connection with the formation of a holding company, an acquisition by an existing holding company or a merger with an existing insured stock association.

*Auth: sections 369.078 and 369.299, RSMo (1986). This rule previously filed as 4 CSR 260-16.010. Emergency rule filed May 10, 1982, effective May 20, 1982, expired Aug. 12, 1982. Original rule filed May 10, 1982, effective Aug. 12, 1982. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Changed to 4 CSR 140-28.010, effective July 6, 1994. Amended: Filed Nov. 8, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This Proposed Amendment will not cost private entities more than \$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 Finance, Steven M. Geary, Associate General Counsel, P.O. Box 716, Jefferson City, MO 65102, (314) 751-3463. To be considered, comments must be received

*within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Driver's License Bureau  
Rules**

**PROPOSED AMENDMENT**

**12 CSR 10-24.412 Commercial Driver's License Waiver For Farm-Related Service Industries.** The director proposes to amend sections (3) and (7).

**PURPOSE:** This amendment allows the applicant to designate the seasonal period for receiving a commercial driver's license waiver for farm-related service industries.

(3) Any commercial driver's license issued in accordance with this rule shall be valid for the operation of commercial motor vehicles [for no more than] for one (1) period which shall not exceed one hundred eighty (180) consecutive calendar days in any twelve (12)-month period. The period [s] of valid operation shall be indicated on a restriction card which must be carried by the operator with the commercial driver's license.

(7) The applicant shall indicate on the application the seasonal time period [(s) during the calendar year] the person needs to operate commercial motor vehicles in accordance with this rule. [Any periods designated must be at least thirty (30) days in length; the total of all periods designated shall not exceed one hundred eighty (180) days in any twelve (12)-month period.] The one (1) period shall not exceed one hundred eighty (180) consecutive calendar days in any twelve (12)-month period.

*Auth: section 302.765, RSMo (Cum. Supp. [1989] 1993). Emergency rule filed May 6, 1992, effective May 16, 1992, expired Sept. 12, 1992. Emergency rule filed Sept. 3, 1992, effective Sept. 13, 1992, expired Jan. 10, 1993. Original rule filed May 6, 1992, effective Dec. 3, 1992. Emergency amendment filed Nov. 9, 1994, effective Nov. 19, 1994, expires March 18, 1995. Amended: Filed Nov. 9, 1994.*

**STATE AGENCY COST:** This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

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## Proposed Rulemaking

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*PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this Proposed Amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

# Register



MISSOURI DEPARTMENT OF REVENUE  
 DRIVERS LICENSE BUREAU  
**APPLICATION FOR CDL/WAIVER FOR  
 FARM RELATED SERVICE INDUSTRIES**

FORM <b>4008A</b> (REV 10-94)	DATE
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**INSTRUCTIONS**

**CDL WAIVER FOR FARM RELATED SERVICE INDUSTRIES** - This waiver applies to seasonal CDL drivers for 1) farm retail outlets and suppliers; 2) agri-chemical businesses; 3) custom harvesters; and 4) livestock feeders. This waiver allows a seasonal driver to obtain a restricted Class B or Class C CDL license without written/skills testing. This restricted license is limited to a seasonal period not to exceed a consecutive 180 days in any 12 month period.

**PLEASE PRINT AND COMPLETE THE ENTIRE APPLICATION.**  
 IF YOU LEAVE ANY OF THE AREAS BLANK, YOUR FORM IS NOT ACCEPTABLE.

**SECTION 1. PERSONAL DATA**

LAST NAME	FIRST NAME	MIDDLE NAME	MAILING ADDRESS, IF DIFFERENT THAN RESIDENCE ADDRESS	
RESIDENCE ADDRESS (STREET)			CITY, STATE, ZIP CODE	COUNTY
CITY, STATE, ZIP CODE		COUNTY	PREVIOUS NAME IF CHANGED	TELEPHONE ( )

**LOOK AT YOUR LICENSE - FILL IN THIS SECTION**

STATE WHERE LICENSE ISSUED	CLASS	EXPIRATION DATE	ENDORSEMENT(S)	RESTRICTION(S)
BIRTHDATE -- --	SOCIAL SECURITY NUMBER -- --	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	HEIGHT	WEIGHT
				EYES

**SECTION 2.**

**CHECK THE BOX(ES) THAT APPLY**

- |   |   |
|---|---|
| <input type="checkbox"/> FARM RETAIL OUTLET AND/OR SUPPLIER | <input type="checkbox"/> CUSTOM HARVESTER |
| <input type="checkbox"/> AGRI-CHEMICAL BUSINESS             | <input type="checkbox"/> LIVESTOCK FEEDER |

MARK THE BOX(ES) BELOW FOR THE CLASS(ES) OF VEHICLES YOU DRIVE. **BE SURE TO MARK ALL BOXES THAT APPLY.**

**CLASS B**  
 Any single vehicle with a GVWR or registered gross weight of 26,001 or more pounds or any such vehicle towing a vehicle not in excess or 10,000 pounds GVWR. (Holders of a Class B license may also, with any appropriate endorsements, operate all vehicles within Class C.)



**CLASS C**  
 Any single vehicle less than 26,001 pounds GVWR or any such vehicle towing a vehicle not in excess or 10,000 pounds GVWR. This group applies only to vehicles which are placarded for hazardous materials or are designed to transport 16 or more persons, including the operator.



You must indicate the seasonal period below. The seasonal period cannot exceed 180 consecutive days in any 12 month period.

FROM	TO
------	----

MO 860-2459 (10-94)

# Proposed Rulemaking

## SECTION 3. LICENSE RECORDS

1. I hereby certify that my driving privilege is not currently suspended, revoked, cancelled or disqualified in this or any other state.  TRUE  FALSE
2. I have operated a motor vehicle in the  one year  two year period immediately preceding today's date.  TRUE  FALSE

## SECTION 4. CHECK THE CORRECT BOX FOR EACH STATEMENT

I hereby certify that I have not had a license in more than one state at the same time during the **TWO YEARS** before today's date on which I am applying for a Restricted Commercial Driver's License, that the following answers are correct. If you have had a license for only **ONE YEAR**, you must certify to the following statements of your driving record for one year.

### ALL QUESTIONS MUST BE ANSWERED!

1. Has your license been suspended, revoked, cancelled or disqualified in this or any other state?  NO  YES
2. Have you been convicted in **any type of motor vehicle** for:
- A. Driving while intoxicated, driving while under the influence of alcohol (includes BAC) or driving while under a controlled substance.  NO  YES
  - B. Leaving the scene of an accident.  NO  YES
  - C. A felony involving the use of a commercial motor vehicle.  NO  YES
3. Have you been convicted in **any type of motor vehicle** for any of the following:
- A. Speeding 15 or more MPH over the **posted** speed limit.  NO  YES
  - B. Careless and imprudent driving.  NO  YES
  - C. Following too closely.  NO  YES
  - D. Improper lane change.  NO  YES
  - E. A violation in connection with a fatal accident.  NO  YES
4. Have you been convicted of any state law or county or municipal ordinance relating to the operation of any type of motor vehicle in connection with an accident?  NO  YES
5. Have you been in an accident where you were found to be at fault by a court of law, involving any type of motor vehicle?  NO  YES

## APPLICANT'S SIGNATURE

IF I MAKE A FALSE STATEMENT ON THIS APPLICATION I UNDERSTAND THAT I WILL NOT BE ISSUED A RESTRICTED COMMERCIAL DRIVER'S LICENSE FOR A PERIOD OF ONE YEAR, OR THAT IF I HAVE ALREADY BEEN ISSUED A COMMERCIAL DRIVER'S LICENSE, IT WILL BE CANCELLED UPON DISCOVERY OF THE FALSIFICATION, FOR A PERIOD OF ONE YEAR.

APPLICANT'S SIGNATURE

DATE

**Title 19—DEPARTMENT OF  
HEALTH  
Division 20—Division of Environmental  
Health and Epidemiology  
Chapter 8—Lead Program**

**PROPOSED RULE**

**19 CSR 20-8.010 Accreditation of Lead  
Training Program**

*PURPOSE: This rule establishes the requirements for the accreditation of training programs for lead inspectors, lead abatement workers, and lead abatement contractors/supervisors.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) Any individual or organization providing accredited training programs for lead inspectors, lead abatement workers or lead abatement contractors/supervisors shall meet the requirements of this rule.

(2) Applicants for accreditation of a lead training program for lead inspectors, lead abatement workers or lead abatement contractors/supervisors shall complete application form MO 580-157 (9-94). Each application form shall be accompanied by a fee of one thousand dollars (\$1,000) made payable to the Missouri Public Health Services Fund and mailed to the Department of Health, P.O. Box 570, Jefferson City, MO 65102. Accreditation shall be renewed every two (2) years upon submission of a completed application form and payment of a fee of one thousand dollars (\$1,000) made payable to the Missouri Public Health Services Fund and mailed to the Department of Health.

(3) Within thirty (30) calendar days of receipt of an application for a lead training program accreditation or renewal, the Department of Health (DOH) shall inform the applicant in writing that the application is either complete or incomplete. If an application is incomplete, the DOH shall include a list of additional information or documentation required to complete the application.

(A) An application shall be considered to be abandoned when an applicant fails to respond to a written notice of an incomplete application within thirty (30) calendar days after the issuance date of the notice.

(B) Within sixty (60) calendar days from the issuance date of the notice of a complete application, DOH shall grant or deny training

program accreditation. If denied, DOH shall state, in writing, the reasons.

(C) In making a determination of whether to grant or deny accreditation, DOH shall take into consideration—

1. Failure to satisfy eligibility requirements;
2. Type and amount of lead training;
3. Past history of citations for violations of existing lead training accreditation standards; and
4. False or misleading statements in the application.

(D) Accreditation may be revoked by DOH for—

1. Failure to properly administer, score or maintain security of a required examination;
2. Falsification of accreditation records, instructor qualification, or other accreditation information;
3. Failure to provide the required accredited course contact hours, course content or coverage;
4. Failure to maintain required records; or
5. Failure to comply with the requirements of this rule.

(4) A lead inspector training program shall include at least eighteen (18) hours of classroom training and six (6) hours of field training.

(A) The training shall include, but shall not be limited to—

1. Background information on lead: history of lead use and sources of environmental lead contamination;
2. Health effects of lead: how lead enters and affects the body; levels of concern; and symptoms, diagnosis and treatments;
3. Regulatory background on lead in 29 CFR part 1926.62; Title X: Residential Lead-Based Paint Hazard Reduction Act of 1992; 29 CFR part 1926.59; 40 CFR part 745; and *Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing*;
4. Lead-based paint testing or X-ray fluorescence paint analyzer (XRF) use: types of XRF units and basic operation and interpretation of XRF results, including substrate correction;

5. Pre-inspection planning and review: developing a schematic site plan, obtaining information on the age and history of the housing and occupancy by children under six (6) years of age; and reviewing previous testing for lead-based paint or other lead-related hazards;

6. Visual inspection techniques;
7. Sampling and inspection guidelines—
  - A. Determining inspection criteria and locations to collect samples in apartment units, scattered site housing, common areas, other program spaces accessible to children, and management offices;
  - B. Soil sample collection including sources, soil clearance levels, soil sampling

techniques, number and location of soil samples, and interpretation of soil sampling results;

C. Dust sample collection techniques including sources, Housing and Urban Development (HUD) post-abatement cleanup guidelines, clearance wipe sampling for lead in dust, number and location of wipe samples, and interpretation of test results;

D. Sources of lead in drinking water, sampling techniques for lead in drinking water, and interpretation of sampling results; and

E. Lead hazards from paint including sources; sampling techniques—XRF or chemical testing; number and location of samples; and interpretation of sampling results;

8. Recordkeeping and writing an inspection report;

9. Hazard identification and prioritization;

10. Recommendation to control lead hazards;

11. Interim control activities, their limitations and drawbacks;

12. Quality control and assurance procedures in testing analysis; and

13. Legal liabilities and obligations.

(B) Providers of training programs shall develop a quality control program which includes provisions for training information to remain current, an annual review of instructor competency, a review to ensure validity and integrity of the examination and adequacy of the facilities and equipment, and provisions to administer the hands-on assessment.

(C) An accredited training provider shall maintain, at its principal place of business, for at least five (5) years, accurate records of attendance; examination results and instructor's name(s) and qualifications.

(D) Accredited training program providers may apply for approval to provide annual refresher training. The request for approval shall be included on the application for accreditation. The refresher training shall be a minimum of seven (7) training hours. The minimum requirements shall include an overview of key safety practices, an update on new laws and regulations, and an update on new technologies.

(5) A lead abatement worker training program shall include at least sixteen (16) hours of classroom training and eight (8) hours of field training.

(A) The training shall include, but shall not be limited to—

1. Background information on lead, history of lead use, and sources of environmental lead contamination;

2. Regulatory background on lead in 29 CFR part 1926.62; Title X: Residential Lead-Based Paint Hazard Reduction Act of 1992; 29 CFR 1926.59; 40 CFR part 745; and *Interim*

# Proposed Rulemaking

## *Guidelines for Hazard Identification and Abatement in Public and Indian Housing;*

3. Health effects of lead exposure;
4. Hazard recognition and control techniques: site characterization, exposure measurements, material identification, safety and health planning, medical surveillance, and engineering and work practices;
5. Personal protective equipment information including respiratory equipment selection, air-purifying respirators, care and cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices;
6. Lead paint abatement methods;
7. Interior dust abatement methods and cleanup techniques;
8. Soil and exterior dust abatement methods; and
9. Waste disposal.

(B) Providers of training programs shall develop a quality control program which includes provisions for training information to remain current, an annual review of instructor competency, a review to ensure validity and integrity of the examination and the adequacy of the facilities and equipment, and provisions to administer the hands-on assessment.

(C) An accredited training provider shall maintain, at its principal place of business, for at least five (5) years, accurate records of attendance; examination results and instructor's name(s) and qualifications.

(D) Providers of accredited training programs may apply for approval to provide annual refresher training. The request for approval shall be included on the application for accreditation. The training shall be a minimum of seven (7) training hours. The minimum requirements shall include an overview of key safety practices, an update on new laws and regulations, and an update on new technologies.

(6) A lead abatement contractor/supervisor training program shall include at least twenty-six (26) hours of classroom training and six (6) hours of field training.

(A) The training shall include, but shall not be limited to—

1. Background information on lead: history of lead use and sources of environmental lead contamination;
2. Regulatory background on lead in 29 CFR part 1926.62; Title X: Residential Lead-Based Paint Hazard Reduction Act of 1992; 29 CFR part 1926.59; 40 CFR part 745; and *Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing*;
3. Legal liability and insurance issues;
4. Development of pre-abatement work plan;
5. Cost estimation;
6. Health effects of lead;
7. Hazard recognition and control techniques: site characterization, exposure mea-

surements, material identification, safety and health planning, medical surveillance, and engineering and work practices;

8. Personal protective equipment information regarding respiratory equipment selection, air-purifying respirators, care and cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices;

9. Employee information and training;
10. Project management including overview of abatement process, contractor specifications and supervisory techniques;
11. Lead paint abatement practices;
12. Interior dust abatement and cleanup;
13. Soil and exterior dust abatement;
14. Environmental monitoring including soil, dust and air sampling, and clearance standards;
15. Waste disposal; and
16. Community relations process.

(B) Providers of training programs shall develop a quality control program which includes provisions for updating training information to remain current, an annual review of instructor competency, a review to ensure validity and integrity of the examination and the adequacy of the facilities and equipment, and provisions to administer the hands-on assessment.

(C) An accredited training provider shall maintain, at its principal place of business, for at least five (5) years, accurate records of attendance; examination results and instructor's name(s) and qualifications.

(D) Providers of accredited training programs may apply for approval to provide annual refresher training. The request for approval shall be included on the application for accreditation. The training shall be a minimum of seven (7) training hours. The minimum requirements shall include an overview of key safety practices, an update on new laws and regulations, and an update on new technologies.

(7) A training provider shall satisfy eligibility requirements for accreditation including—

- (A) Successful completion of a thirty (30)-hour Environmental Protection Agency (EPA) approved training course for training providers;
- (B) A minimum of one (1) year of experience teaching or training adults;
- (C) An associate degree or higher from a post-secondary educational institution in building construction technology, engineering or industrial hygiene;
- (D) Successful completion of a minimum of twenty-four (24) training hours of lead-abatement instruction;
- (E) A minimum of one (1) year of experience related to health, safety or regulatory aspects of lead abatement; or
- (F) A minimum of one (1) year of lead abatement experience in construction-related

health and safety inspection, lead abatement assessment, abatement project design, or abatement work.

*Auth: section 701.314, RSMo (Cum. Supp. 1993). Emergency rule filed Nov. 2, 1994, effective Nov. 12, 1994, expires March 11, 1995. Original rule filed Nov. 2, 1994.*

**STATE AGENCY COST:** *This Proposed Rule is estimated to cost the Department of Health \$35,528 for the balance of FY95, \$44,592 for each FY96, 97, 98 and 99. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.*

**PRIVATE ENTITY COST:** *This Proposed Rule is estimated to cost private entities \$75,000 for the remainder of FY95, and \$15,000 for each FY96, 97, 98 and 99. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this Proposed Rule with William R. Schmidt, Director, Division of Environmental Health and Epidemiology, P.O. Box 570, Jefferson City, MO 65102, (314) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

# Register

**State Agency Cost  
Missouri Department of Health**

**19 CSR 20-8.010 Accreditation of Lead Training Program**

For remainder of FY 95

Health Program Representative II	\$16,880
Travel (.26 x 5,077 miles = \$1,320 and 24 nights lodging/food x \$70 = \$1,680)	\$ 3,000
Clerk Typist II	\$10,848
Equipment	<u>\$ 4,800</u>
<b>Total</b>	<b>\$35,528</b>

For FY 96, 97, 98 & 99

Health Program Representative II	\$25,320
Travel (.26 x 5,077 miles = \$1,320 and 24 nights lodging/food x 70 = 1,680)	\$ 3,000
Clerk Typist II	<u>\$16,272</u>
<b>Total for each FY</b>	<b>\$44,592</b>

4 years x \$44,592 **\$169,368**

**Total Aggregate Cost for State Agency \$201,896**

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# Proposed Rulemaking

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## Fiscal Note

Proposed rule 19 CSR 20-8.010 Accrediation of Lead Training Programs

Prepared July 27, 1994 by the Missouri Department of Health

Private Entity Cost: This proposed rule will cost private entities one thousand (\$1000) dollars as an initial application fee and an additional one thousand (\$1000) dollars with each bi-annual renewal application.

	<u>Year One</u>		
Training Programs	Application Fee	Estimated Participants	Total
Inspector	\$1000.00	25	\$25,000
Worker	\$1000.00	25	\$25,000
Contractor/Supervisor	\$1000.00	25	<u>\$25,000</u>
			<u>\$75,000</u>
	<u>Year Two</u>		
Training Programs	Application Fee	Estimated Participants	Total
Inspector	\$1000.00	5	\$5,000
Worker	\$1000.00	5	\$5,000
Contractor/Supervisor	\$1000.00	5	<u>\$5,000</u>
			\$15,000
	<u>Year Third, Fourth, Fifth</u>		
Training Programs	Renewal Application Fee	Estimated Participants	Total
Inspector	\$1000.00	5	\$5,000
Worker	\$1000.00	5	\$5,000
Contractor/Supervisor	\$1000.00	5	<u>\$5,000</u>
			\$15,000
		3 year total	\$45,000
<b>Total Aggregate Cost for Private Entity</b>			<b>\$135,000.00</b>

Missouri

# Register



## MISSOURI DEPARTMENT OF HEALTH LEAD LICENSING & ACCREDITATION PROGRAM TRAINING COURSE ACCREDITATION APPLICATION

### GENERAL INFORMATION

Persons intending to provide training to meet the Missouri statutory and regulatory requirements for lead course accreditation under Sections 701.312 and 701.314, RSMo and 19 CSR 20-8.010 must complete this training course accreditation form. Separate applications are required for each specialty area, and a fee of one thousand dollars (\$1000) per training course is required. If a training provider desires to have more than three courses reviewed for accreditation, the maximum fee to the state for review will be three thousand dollars (\$3000). Please print legibly or type the application form.

Where separate pages are required to provide information requested by this application, the part and item number should be indicated on the supplemental page attached.

A training course shall be accredited by the Director when all fees and information required in this form have been submitted and reviewed by the department and written verification for accreditation has been reviewed by the Department.

Training course accreditation must be reviewed biennially as required in Missouri statute and rule. Training courses must meet the criteria as defined in U.S. EPA's Model Accreditation Plan, Sections 701.312 and 701.314, RSMo and 19 CSR 20-8.010.

The completed application form(s), training certificate (s), and fees shall be mailed to the following address:  
MISSOURI DEPARTMENT OF HEALTH, LEAD LICENSING & ACCREDITATION PROGRAM  
P.O. BOX 570  
JEFFERSON CITY, MO 65102

### PART A. PERSONAL INFORMATION

1. NAME OF FIRM (PRINT OR TYPE)		TELEPHONE NUMBER
2. MAILING ADDRESS (STREET)		
CITY		STATE ZIP CODE
3. CONTACT PERSON NAME		TITLE
4. ARE YOU ACCREDITED IN ANY OTHER STATE? <input type="checkbox"/> YES <input type="checkbox"/> NO (IF YES, PLEASE SPECIFY)		
5. HAS YOUR TRAINING PROGRAM RECEIVED ANY FEDERAL OR STATE NOTICE OF VIOLATION IN THE PAST THREE YEARS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, COMPLETE INFORMATION BELOW:		
<input type="checkbox"/> FEDERAL	LOCATION OF VIOLATION	NATURE OF VIOLATION
<input type="checkbox"/> STATE	OUTCOME	

**NOTE:** The following statement must be signed by the administrator or operating officer of the entity seeking approval of the training course.

I hereby certify that the information included in this application and any supplemental information attached to it is true and accurate to the best of my knowledge and understanding.

SIGNATURE	DATE
PRINT OR TYPE NAME	TITLE

### PART B. TRAINING

1. INDICATE THE OCCUPATION FOR WHICH THE COURSE IS DEVELOPED AND WHETHER INITIAL OR REVIEW TRAINING		
	INITIAL	REVIEW
WORKER	<input type="checkbox"/>	<input type="checkbox"/>
SUPERVISOR/CONTRACTOR	<input type="checkbox"/>	<input type="checkbox"/>
INSPECTOR	<input type="checkbox"/>	<input type="checkbox"/>
2. TITLE OF COURSE		
3. LOCATION (S) WHERE THIS COURSE WILL BE PRESENTED		
4. FREQUENCY WITH WHICH THE COURSE WILL BE PRESENTED	5. MAXIMUM NUMBER OF STUDENTS THAT WILL ATTEND EACH COURSE	6. FEE TO BE CHARGED FOR THE COURSE

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# Proposed Rulemaking

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## PART C. CURRICULUM

The following course curriculum materials must be submitted for review in accordance with Sections 701.312 and 701.314, RSMo, and 19 CSR 20-8.010 and U.S. Environmental Protection Agency's (EPA) Model Accreditation Plan. Enclose additional pages as necessary.

1. TITLE OF THE COURSE
  2. LEAD OCCUPATION FOR WHICH THE COURSE IS DESIGNED
  3. LIST THE PERSONS PRESENTING THE COURSE. INCLUDING THEIR EXPERIENCE, EDUCATION, AND OTHER QUALIFICATIONS. SHOW HOW THESE QUALIFICATIONS MEET THE REQUIREMENTS IN SECTIONS 701.312 AND 701.314, RSMo, 19 CSR 20-8.010 AND U.S. EPA'S MODEL ACCREDITATION PLAN.
  4. MAXIMUM NUMBER OF STUDENTS TO BE ENROLLED IN EACH CLASSROOM PRESENTATION
  5. MAXIMUM NUMBER OF STUDENTS TO BE ENROLLED IN EACH HANDS-ON CLASS
  6. THE DATES AND TIME PERIODS OVER WHICH AN INDIVIDUAL TRAINING OR REVIEW COURSE WILL BE PRESENTED
  7. THE NAMES AND AUTHORS OF ANY TEST OR AUDIO-VISUAL MATERIAL TO BE USED, INCLUDING THE PUBLISHER AND EDITION, OR IF NO TEXT IS TO BE USED, A LIST OF ANY WRITTEN MATERIALS TO BE USED, INCLUDING THE SOURCE OF SUCH MATERIALS (SUBMIT A COPY OF THE WRITTEN PORTION OF YOUR TRAINING COURSE WITH THIS APPLICATION.
  8. SPECIFIC OBJECTIVES FOR THE COURSE
  9. THE UNITS TO BE COVERED IN THE COURSE FOR EACH RESPECTIVE SPECIALTY COURSE, INCLUDING A GENERAL DESCRIPTION OF THE NATURE OF THE INFORMATION TO BE PRESENTED
  10. THE METHOD OF INSTRUCTION AND TRAINING AIDS FOR EACH UNIT LISTED IN THE U.S. EPA'S AHERA MODEL ACCREDITATION PLAN, E.G. LECTURE, DEMONSTRATION SIMULATION, SLIDE PRESENTATION, FILM STRIP, ETC.
  11. THE LENGTH OF TIME TO BE SPENT ON EACH UNIT LISTED IN 19 CSR 20-8.010
  12. A DESCRIPTION OF THE PRACTICAL HANDS-ON TRAINING TO BE PROVIDED FOR EACH UNIT
  13. LIST OF READING ASSIGNMENTS FOR THE COURSE
  14. A DESCRIPTION AND AN EXAMPLE OF NUMBERED CERTIFICATES ISSUED TO STUDENTS WHO ATTEND AND PASS THE COURSE
  15. EXPLANATION OF HOW STUDENTS WILL BE EVALUATED BY A COMPREHENSIVE EXAMINATION AT THE END OF THE COURSE
  16. EXPLANATION OF THE GRADING SYSTEM TO BE USED FOR WRITTEN EXAMINATIONS AND PROFICIENCY EVALUATIONS
  17. LIST OF TASKS AND DUTIES CONNECTED WITH EACH UNIT IN WHICH STUDENTS WILL BE EVALUATED FOR COMPETENCY, ALONG WITH GUIDELINES FOR EXAMINATIONS TO BE USED WHICH SHALL INCLUDE, AT A MINIMUM:
    - A. Procedures to be followed in administering examinations.
    - B. Procedures to be followed to ensure security of examinations, both during administration and otherwise, including but not limited to the number of times a particular examination will be used.
    - C. Procedures to be followed to validate examinations as testing competency in the unit to be tested;
    - D. Procedures to be followed in reporting the grades to individual and the department.
- PLEASE INCLUDE ANY OTHER INFORMATION RELEVANT TO THIS APPLICATION**

### NOTE

The department may deny accreditation of a course if the applicant fails to provide information required within 30 days of receipt of departmental written notice that the applicant is deficient.

Training course providers shall have thirty (30) days to correct the identified deficiencies in their training course(s) before the department issues final notice that their accreditation is withdrawn.

Missouri

# Register

**PART D. SUPPLEMENTAL INFORMATION**

COMPLETE A SEPARATE FORM FOR EACH SPECIALTY AREA.

SPECIALTY AREA	SUBPART NUMBER	PAGE NUMBER
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Blank area for supplemental information.

# Proposed Rulemaking

## Title 19—DEPARTMENT OF HEALTH

### Division 20—Division of Environmental Health and Epidemiology Chapter 8—Lead Program

#### PROPOSED RULE

#### 19 CSR 20-8.020 Licensing of Lead Inspectors, Lead Abatement Workers and Lead Abatement Supervisors/Contractors

*PURPOSE: This rule establishes the requirements for licensing lead inspectors, lead abatement workers and lead abatement supervisors/contractors.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) An applicant for a license as a lead inspector shall complete an accredited lead inspector training program (see 19 CSR 20-8.010(4)). An applicant for a license as a lead abatement worker shall complete an accredited lead abatement worker training program (see 19 CSR 20-8.010(5)). An applicant for a license as a lead abatement contractor/supervisor shall complete an accredited lead abatement contractor/supervisor program (see 19 CSR 20-8.010(6)).

(2) An applicant for a license or license renewal as a lead inspector, a lead abatement worker or a lead abatement contractor/supervisor shall complete application form MO 580-1956 (9-94).

(A) An applicant for licensing shall apply to the Department of Health (DOH) within one (1) year from the date of the training program completion certificate of required instruction or the date of written proof of completion of the required training program. Applicants failing to apply within one (1) year from the date of the training program completion certificate or the date of written proof of completion of the required training program shall complete a seven (7)-hour refresher training course accredited by the Department of Health or the United States Environmental Protection Agency (U.S. EPA).

(B) An application for licensing as a lead inspector or a lead abatement supervisor/contractor shall be accompanied by a nonrefundable fee of one hundred dollars (\$100). An application for licensing as a lead abatement worker shall be accompanied by a nonrefundable fee of fifty dollars (\$50). License fees shall be made payable to the Missouri Public Health

Services Fund and mailed with a completed application form to the Department of Health, P.O. Box 570, Jefferson City, MO 65102. A copy of the training program completion certificate or written proof of completion of the required training program and two (2) passport-size color photographs shall also accompany an application form.

(C) An application for license renewal shall be mailed at least sixty (60) days prior to the expiration date on the license accompanied by a nonrefundable renewal fee of fifty dollars (\$50) for lead inspector or lead abatement contractor/supervisor or twenty-five dollars (\$25) for lead abatement worker. Renewal fees shall be made payable to the Missouri Public Health Services Fund and mailed with a completed application form to the Department of Health, P.O. Box 570, Jefferson City, MO 65102. Each applicant for license renewal shall complete a seven (7)-hour accredited refresher training program and shall include a copy of the refresher training program completion certificate or written proof of completion of the refresher training program application.

(3) Within thirty (30) calendar days of receipt of an application for license or license renewal, the DOH shall inform the applicant in writing that the application is either complete or incomplete. If an application is incomplete, DOH shall include a list of additional information or documentation required to complete the application.

(A) An application shall be considered to be abandoned when an applicant fails to respond to a written notice of an incomplete application within thirty (30) calendar days after the issuance date of the notice.

(B) Within sixty (60) calendar days after the issuance date of the notice of a complete application, DOH shall grant or deny a two (2)-year license. If denied, DOH shall state, in writing, the reasons.

(C) In making a determination of whether to grant or deny licensing, DOH shall take into consideration the following:

1. Failure to satisfy eligibility requirements;
2. Type and amount of training;
3. Past history of citations or violation of existing lead abatement regulations or standards; or
4. False or misleading statements in the application.

(D) A license may be revoked by the DOH.

1. Reasons for revoking a license shall include any false information in the application; prior violations of 29 CFR part 1926.62, or 29 CFR part 1926.59; fraud or failure to disclose relevant facts; or failure to comply with any part of this rule.

2. Prior to revoking a license, an individual shall be given written notice. The individual may take steps to request a written or oral

internal hearing by DOH according to Chapter 536 of Administrative Procedures Act.

(4) Any individual applying to be licensed as a lead inspector shall complete a lead inspector training program accredited by DOH or U.S. EPA and shall successfully complete the examination with a score of seventy percent (70%) or more. Additional requirements shall include—

(A) Completing a bachelor of science degree in addition to at least two (2) years of experience in a related field such as construction or environmental hazards;

(B) Being a licensed industrial hygienist, an environmental engineer, a registered architect or a professional in a related scientific field; or

(C) Having a high school diploma or certificate of high school equivalency (GED) and three (3) years of experience in a related field such as housing specialist.

(5) Any individual applying to be licensed as a lead abatement worker shall complete a lead abatement worker program accredited by the DOH or EPA and shall successfully complete the examination with a score of seventy percent (70%) or more. Additional requirements include:

(A) One (1) year of experience as a lead abatement worker; or

(B) At least two (2) years of experience in asbestos abatement work, the building trades, or as an environmental technician.

(6) Any individual applying to be licensed as a lead abatement contractor/supervisor shall complete a lead abatement contractor/supervisor program accredited by the DOH and U.S. EPA and successfully complete the examination with a score of seventy percent (70%) or more. Additional requirements include—

(A) One (1) year of experience as a licensed lead abatement worker; or

(B) At least two (2) years of experience in lead abatement work, asbestos abatement work or as a construction manager or superintendent.

*Auth: section 701.314, RSMo (Cum. Supp. 1993). Emergency rule filed Nov. 2, 1994, effective Nov. 12, 1994, expires March 11, 1995. Original rule filed Nov. 2, 1994.*

*STATE AGENCY COST: This Proposed Rule is estimated to cost the Department of Health \$33,528 for the balance of FY95, \$42,592 for each FY96, 97, 98 and 99. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.*

*PRIVATE ENTITY COST: This Proposed Rule is estimated to cost private entities \$207,987.50 for the remainder of FY95, \$149,591.25 for FY96, and \$36,655*

*Missouri*

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# Register

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*for each FY97, 98 and 99. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.*

**NOTICE TO SUBMIT COMMENTS:**  
*Anyone may file a statement in support of or in opposition to this Proposed Rule with William R. Schmidt, Director, Division of Environmental Health and Epidemiology, P.O. Box 570, Jefferson City, MO 65102, (314) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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# Proposed Rulemaking

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**State Agency Cost  
Missouri Department of Health**

**19 CSR 20-8.020 Licensing of Lead Inspectors, Lead Abatement Workers and Lead  
Abatement Supervisors/Contractors**

For remainder of FY 95

Health Program Representative II	\$16,880
Travel (.26 x 5,077 miles = \$1,320 and 24 nights lodging/food x \$70 = \$1,680)	\$ 2,000
Clerk Typist II	\$10,848
Equipment	<u>\$ 4,800</u>
<b>Total</b>	<b>\$33,528</b>

For FY 96, 97, 98 & 99

Health Program Representative II	\$25,320
Travel (.26 x 5,077 miles = \$1,320 and 24 nights lodging/food x 70 = 1,680)	\$ 2,000
Clerk Typist II	<u>\$16,272</u>
<b>Total for each FY</b>	<b>\$42,592</b>

4 years x \$44,592	<b>\$167,368</b>
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<b>Total Aggregate Cost for State Agency</b>	<b>\$199,896</b>
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Fiscal Note

Proposed rule 19 CSR 20-8.020 Licensing of Lead Inspectors, Lead Abatement Workers, and Lead Abatement Supervisors/Contractors

Prepared September 30, 1994, by the Missouri Department of Health

Private Entity Cost: There will be will be a variance in the range of cost to the private sector, due to the course rates of the different disciplines.

## Year One

	Training Course*	Application Fee for License	I.D. Picture	Estimated Participants	Participant Cost	Total
Inspector	\$599.00	\$100.00	\$12.95	100	\$ 711.95	<b>\$71,195.00</b>
Workers	\$799.00	\$ 50.00	\$12.95	100	\$ 861.95	<b>\$86,195.00</b>
Contractor/Supervisor	\$899.00	\$100.00	\$12.95	50	\$1011.95	<b>\$50,597.50</b>
						<b>\$207,987.50</b>

## 2nd Year

	Training Course	Application Fee for License	I.D. Picture	Estimated Participants	Participant Cost	Total
Inspector	\$599.00	\$100.00	\$12.95	50	\$ 711.95	<b>\$35,597.50</b>
Workers	\$799.00	\$ 50.00	\$12.95	100	\$ 861.95	<b>\$86,195.00</b>
Contractor/Supervisor	\$899.00	\$100.00	\$12.95	25	\$1011.95	<b>\$25,298.75</b>
						<b>\$149,591.25</b>

## 3rd, 4th, 5th Years

	Training Course	Application Fee for License Renewal	I.D. Picture	Estimated Participants	Participant Cost	Total
Inspector	\$349.00	\$ 50.00	\$ 0.00	25	\$ 399.00	<b>\$ 9,975.00</b>
Workers	\$349.00	\$ 25.00	\$ 0.00	50	\$ 374.00	<b>\$18,700.00</b>
Contractor/Supervisor	\$349.00	\$ 50.00	\$ 0.00	20	\$ 399.00	<b>\$ 7,980.00</b>
						<b>\$36,655.00</b>

## 3 Year Total

**\$109,965.00**

**Total aggregate cost for private entity**

**\$467,543.75**

# Proposed Rulemaking



**MISSOURI DEPARTMENT OF HEALTH  
LEAD LICENSING & ACCREDITATION PROGRAM  
LEAD OCCUPATION LICENSE APPLICATION**

**GENERAL INFORMATION**

Individuals desiring a license to engage in lead work in Missouri must provide all of the information requested in this application, submit the required documentation, and submit the required fee (\$50 for a worker, \$100 for inspector or supervisor/contractor) to the Department of Health. Please submit a separate application form and fee for each occupation in which you desire to be certified. An individual will be certified by the Director when all fees and all information requested in this form have been submitted and reviewed and when verification of certification from the Director has been received.

License expires one year from its effective date unless it is renewed annually.

License will be based upon the following: 1) completion of this application; 2) submission of a copy of the individual's training course certificate(s) stating successful completion of the required training in accordance with sections 701.312 and 701.314 RSMo and 19 CSR 20-8.020; 3) scoring at least seventy percent (70%) on the final course examination; 4) scoring at least seventy percent (70%) on the Missouri state lead examination; 5) Payment of the license fee; and 6) compliance history.

The completed application form(s), training certificate (s), and fees shall be mailed to the following address:  
 MISSOURI DEPARTMENT OF HEALTH, LEAD LICENSING & ACCREDITATION PROGRAM  
 P.O. BOX 570  
 JEFFERSON CITY, MO 65102

**PART A. PERSONAL INFORMATION**

1. NAME OF APPLICANT (PRINT OR TYPE)										
2. HOME ADDRESS (STREET, APARTMENT)										
CITY <span style="float: right;">STATE</span> <span style="float: right;">ZIP CODE</span>										
3. TELEPHONE NUMBER	4. SOCIAL SECURITY NUMBER									
5. PRESENT EMPLOYER	6. TELEPHONE NUMBER									
7. EMPLOYER ADDRESS										
8. ARE YOU LICENSED IN ANY OTHER STATE?  <input type="checkbox"/> YES <input type="checkbox"/> NO    (IF SO, WHICH ONE(S))										
9. PLEASE CHECK TYPE OF CERTIFICATE DESIRED  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><input type="checkbox"/> WORKER</td> <td style="width: 10%; text-align: center;"><b>FEE</b></td> <td style="width: 30%; text-align: right;">\$50.00</td> </tr> <tr> <td><input type="checkbox"/> SUPERVISOR/CONTRACTOR</td> <td></td> <td style="text-align: right;">\$100.00</td> </tr> <tr> <td><input type="checkbox"/> INSPECTOR</td> <td></td> <td style="text-align: right;">\$100.00</td> </tr> </table>	<input type="checkbox"/> WORKER	<b>FEE</b>	\$50.00	<input type="checkbox"/> SUPERVISOR/CONTRACTOR		\$100.00	<input type="checkbox"/> INSPECTOR		\$100.00	<b>FOR OFFICE USE ONLY</b> DATE OF INITIAL CERTIFICATION  DATE OF CERTIFICATION RENEWALS
<input type="checkbox"/> WORKER	<b>FEE</b>	\$50.00								
<input type="checkbox"/> SUPERVISOR/CONTRACTOR		\$100.00								
<input type="checkbox"/> INSPECTOR		\$100.00								
10. I hereby certify that all of the information provided in this application is complete and true to the best of my knowledge. I further certify that I will comply with Sections 701.312 and 701.314, RSMo, and with 19 CSR 20-8.010 and 19 CSR 20-8.020.										
SIGNATURE OF APPLICANT	DATE									

**PART B. TRAINING**

Provide the training information that relates to the type of licensing for which you are making application. Supplemental sheets may be enclosed.

Attach copies of your initial training certificate and all refresher training certificates. In order to qualify for license renewal, your refresher training course must be fully approved by U.S. EPA or Missouri state approved, and meet the requirements set forth in Sections 701.312 and 701.314, RSMo.

**C. INITIAL TRAINING INFORMATION**

TYPE OF TRAINING COMPLETED (CHECK ONE)

WORKER                       SUPERVISOR / CONTRACTOR                       INSPECTOR

NAME OF TRAINING PROVIDER

ADDRESS

CERTIFICATE NUMBER

EXPIRATION DATE

ACCREDITATION OF TRAINING PROVIDER BY (CHECK ONE)

ENVIRONMENTAL PROTECTION AGENCY (EPA)                       EPA APPROVED STATE PROGRAM (SPECIFY)  
 MISSOURI DEPARTMENT OF HEALTH

NAME OF TRAINING PROVIDER

ADDRESS

CERTIFICATE NUMBER

EXPIRATION DATE

EXAMINATION SCORE

ACCREDITATION OF TRAINING PROVIDER BY (CHECK ONE)

ENVIRONMENTAL PROTECTION AGENCY (EPA)                       EPA APPROVED STATE PROGRAM (SPECIFY)  
 MISSOURI DEPARTMENT OF HEALTH

**NOTE:** SUBMIT COPIES OF YOUR TRAINING CERTIFICATES WITH THIS APPLICATION TO THE DEPARTMENT

**PART C. QUALIFICATIONS**

This section is designated for individuals making application for licensure as supervisor / contractor or inspector.

1. SPECIALTY AREA YOU ARE SPECIFYING QUALIFICATIONS FOR

SUPERVISOR                       INSPECTOR

2. IF YOU ARE MAKING APPLICATION AS A SUPERVISOR PLEASE PROVIDE PROOF OF: ONE YEAR OF PRIOR EXPERIENCE IN LEAD ABATEMENT WORK OR GENERAL CONSTRUCTION WORK. PLEASE ATTACH ALL DOCUMENTATION THAT PROVIDES EVIDENCE OF THIS EXPERIENCE WITH THIS APPLICATION.

3. IF YOU ARE MAKING APPLICATION AS AN INSPECTOR, PROVIDE PROOF OF ONE OF THE FOLLOWING

- B.S. PLUS TWO YEARS' EXPERIENCE IN THE FIELD  
 M.S. IN INDUSTRIAL HYGIENE  
 C.I.H. BY AMERICAN BOARD OF INDUSTRIAL HYGIENE  
 THREE YEARS' PRACTICAL EXPERIENCE IN THE FIELD OF INDUSTRIAL HYGIENE INCLUDING SIGNIFICANT HOUSING REHABILITATION AND BUILDING INSPECTION.



**Title 19—DEPARTMENT OF HEALTH  
Division 20—Division of Environmental Health and Epidemiology  
Chapter 26—Sexually Transmitted Diseases**

**PROPOSED RULE**

**19 CSR 20-26.070 Notification of Results of Court-Ordered HIV Testing of Sexual Offenders**

*PURPOSE: This rule establishes the procedure for notifying victims and jail or correctional facility administrators and the offenders of results when sexual offenders undergo court-ordered testing for human immunodeficiency virus.*

(1) If a court orders a person to undergo human immunodeficiency virus (HIV) testing under section 191.663, RSMo, the following information shall be reported by the court to the Bureau of Sexually Transmitted Diseases (STD)/HIV Prevention:

- (A) The identity of the person to be tested;
- (B) The name and address of the facility where the person will receive pretest counseling and submit a blood specimen for testing;
- (C) The name and address of the laboratory which will conduct the testing, if known;
- (D) The name, address and telephone number of each victim who has a right to access the HIV test results under section 191.663, RSMo; and
- (E) The name, address and telephone number of the administrator of the jail or correctional facility where the sexual offender is confined.

(2) All results of HIV testing performed under the provisions of section 191.663, RSMo, shall be reported by the laboratory performing the test to the Bureau of STD/HIV Prevention.

(3) Bureau of STD/HIV Prevention personnel shall convey the results of the testing, along with appropriate counseling and any necessary referral assistance, to each victim.

(4) Bureau of STD/HIV Prevention personnel shall convey the results of the testing, along with any necessary educational information relative to those results, to the administrator of the jail or correctional facility in which the sexual offender is confined.

(5) Bureau of STD/HIV Prevention personnel shall ensure that the results of the testing, along with appropriate post-test counseling, are conveyed to the sexual offender.

*Auth: section 191.663, RSMo (Cum. Supp. 1993). Emergency rule filed Nov. 2, 1994, effective Nov. 12, 1994, expires*

*March 11, 1995. Original rule filed Nov. 2, 1994.*

*STATE AGENCY COST: This Proposed Rule will cost state agencies an average of \$29,400 dollars annually for five years for a total of \$147,000. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.*

*PRIVATE ENTITY COST: This Proposed Rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this Proposed Rule with William R. Schmidt, Director, Division of Environmental Health and Epidemiology, P.O. Box 570, Jefferson City, MO 65102, (314) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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# Proposed Rulemaking

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## Fiscal Note Public Entity Costs

### Proposed Rulemaking

19 CSR 20-26.070 Notification of Results of Court Ordered HIV Testing of Sexual Offenders

Prepared July 27, 1994

Affected Agency: Missouri Department of Health, Division of Environmental Health and Epidemiology

Costs: 300 cases x \$98 per case = \$29,400 x 5 years = \$147,000

#### Assumptions:

300 cases x \$4 per test =	\$ 1,200.00
4 hours staff time per case x \$12 per hour x 300 cases =	\$ 14,400.00
100 miles travel x \$0.26 per mile x 300 cases =	\$ 780.00
\$20 per test to obtain test specimen and counseling x 300 cases =	<u>\$ 6,000.00</u>
<b>Total</b>	<b>\$ 29,400.00</b>
<b>5 years for a total of:</b>	<b>\$147,000.00</b>

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health  
Resources  
Chapter 40—Ambulance Regulations**

**PROPOSED AMENDMENT**

**19 CSR 30-40.070 Public Convenience and Necessity Hearings.** The board proposes to amend section (4) and subsection (5)(E) of this rule.

*PURPOSE: The amendment to section (4) requires ambulance services requesting changes to submit form MO 580-1647(R7-94) to assist the Department of Health in determining whether to employ a simplified or a full hearing process.*

(4) The Department of Health shall have the authority to choose whether it wants to employ the simplified hearing process or the full hearing process for the following: establishment of a new ambulance service, public or private; establishment of a new ambulance base, sale or purchase of an ambulance service whether a sole proprietorship, partnership or over thirty percent (30%) corporate stock; or the addition of ambulance vehicles to the net complement of the fleet of an ambulance service. If after a preliminary investigation of any of the four (4) types of changes in the ambulance service market—new service, new base, sale or purchase of a service or addition of vehicles—the Department of Health finds the change to be significant enough to potentially affect existing ambulance services adversely, the Department of Health shall employ the full hearing procedures. Any ambulance service proposing changes shall file a completed form MO 580-1647(R7-94) with the Department of Health.

(5) Informal Procedures [a] Are Authorized for a Full Hearing.

(E) Before the Department of Health may schedule a full hearing [as provided for by section (5) of this rule], the applicant shall file form MO 580-1883(1/94) with the Department of Health to inform the department and other affected entities of the issues and criteria that may be relevant to the full hearing.

*Auth: sections 190.125, RSMo (1986) and 190.185, RSMo (Cum. Supp. 1993). This rule was previously filed as 13 CSR 50-40.070. Original rule filed Aug. 22, 1974, effective Feb. 23, 1975. Rescinded and readopted: Filed Nov. 16, 1987, effective Jan. 29, 1988. Amended: Filed April 14, 1992, effective Jan. 15, 1993. Emergency amendment filed May 2, 1994, effective May 14, 1994, expired Sept. 10, 1994. Amended: Filed May 2, 1994, effective Oct. 30, 1994. Amended: Filed Nov. 15, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this Proposed Amendment with the Department of Health, Garland Land, Director, Division of Health Resources, P.O. Box 570, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

# Proposed Rulemaking



MISSOURI DEPARTMENT OF HEALTH  
 BUREAU OF EMERGENCY MEDICAL SERVICES  
**PROPOSED CHANGES TO EXISTING AMBULANCE SERVICE**

DATE RECEIVED BY BEMS

The Code of State Regulations 19 CSR 30-40.070, effective January 29, 1988, gives the Department of Health authority to choose the simplified hearing process or the full hearing process when an ambulance service plans to add a vehicle (ground or helicopter) to its fleet of ambulances, establish a new base, or sell the service.

PRIOR to any of the specified transactions, this form must be completed, returned and approved by the Bureau of Emergency Medical Services.

1. AMBULANCE SERVICE NUMBER		<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
2. NAME OF SERVICE			
3. ADDRESS (STREET, ROUTE, CITY, STATE, ZIP)			
4. AUTHORIZED PERSON (PLEASE PRINT)			TELEPHONE NO.
4a. SIGNATURE			DATE
<b>5. PROPOSED CHANGE (Check applicable items)</b>			
<input type="checkbox"/> Replacement (Remount)		<input type="checkbox"/> Moving Base (see definition #8 below)	
<input type="checkbox"/> Addition to fleet		<input type="checkbox"/> Closing Base (see definition #8 below)	
		<input type="checkbox"/> New Base	
		<input type="checkbox"/> Sale/Purchase of Service	
<b>6. IF REPLACEMENT, IDENTIFY WHAT IT WILL REPLACE</b>			
AMBULANCE VIN NO. OR TAIL NO.		AMBULANCE LICENSE NO.	
MAKE	MODEL	YEAR	
<b>7. IF ADDITION TO FLEET, EXACT ADDRESS WHERE THE AMBULANCE WILL BE LOCATED</b>			
<b>8. IF MOVING BASE, LOCATION</b> (A base is where a vehicle or aircraft is routinely stationed, with a building with crew quarters and a telephone)			
<b>9. IF CLOSING BASE, EFFECTIVE DATE</b>			
<b>10. IF NEW BASE, LOCATION</b>			
<b>11. IF SALE/PURCHASE OF SERVICE, NAME AND ADDRESS OF PROSPECTIVE BUYER</b>			
<b>12. DETAILED DESCRIPTION OF PRIMARY SERVICE AREA</b>			
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		AUTHORIZED REPRESENTATIVE BUREAU OF EMS	DATE

MO 580-1647 (R7-94)

1738 E. Elm, P.O. Box 570, Jefferson City, MO 65102

(314) 751-6356

Missouri

# Register



MISSOURI DEPARTMENT OF HEALTH  
BUREAU OF EMERGENCY MEDICAL SERVICES  
PUBLIC CONVENIENCE AND NECESSITY HEARING APPLICATION

<b>1. TYPE OF APPLICATION</b>				
<input type="checkbox"/> New Proposed Service		<input type="checkbox"/> Expansion of Primary Service Area		
<b>2. APPLYING ENTITY OR ORGANIZATION</b>				
APPLICANT'S NAME			PHONE NUMBER	
BUSINESS NAME				
ADDRESS				
CITY, STATE, ZIP				
PRIMARY CONTACT PERSON			PHONE NUMBER	
<b>3. TYPE OF ORGANIZATION (check one)</b>				
<input type="checkbox"/> Individual proprietorship		<input type="checkbox"/> Political subdivision (check one if applicable)		
<input type="checkbox"/> For profit corporation		<input type="radio"/> Municipality	<input type="radio"/> Fire protection district	
<input type="checkbox"/> Not for profit corporation		<input type="radio"/> County commission	<input type="radio"/> Ambulance District	
<input type="checkbox"/> Not for profit hospital		<input type="radio"/> County hospital	<input type="radio"/> Other	
<input type="checkbox"/> Other type of organization		<input type="radio"/> Hospital district		
<b>4. TYPE OF HEARING</b>				
<input type="checkbox"/> Simplified hearing with no oral argumentation. (Check ones that are applicable if you have checked simplified.)				
<input type="radio"/> Not controversial		<input type="radio"/> Does not affect existing services		<input type="radio"/> Waiver of hearing rights have been obtained from all affected services (see attached letters of waiver).
<input type="checkbox"/> Full informal hearing will be required, preferably in the community involved.				
<b>5. HAVE ALL ALTERNATIVES BEEN EXPLORED? (check yes or no)</b>				
Expansion of the role of first responders:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Expanding or clarifying or improving mutual aid contracts between existing services:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Expansion or improvement in dispatch communications capability such as enhanced 911:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Expansion of vehicle or aircraft complements or bases for the affected existing service:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>6. NAMES OF PRINCIPAL INDIVIDUAL(S) WHO WILL MANAGE THE SERVICE</b>				
NAME	ADDRESS (include city, state, zip)	TELEPHONE	YEARS OF EXPERIENCE	
			MANAGEMENT	EMS

# Proposed Rulemaking

<b>7. OPERATING ENTITY (If different from applicant for service number)</b>	
NAME	PHONE NUMBER
ADDRESS	
CITY, STATE, ZIP	
TYPE OF ORGANIZATION (see #3)	
<b>8. TYPE OF SERVICE</b>	
<input type="checkbox"/> <b>Ground ambulance service</b> <input type="radio"/> Advanced Life Support - paramedic <input type="radio"/> Basic Life Support - EMT	<input type="checkbox"/> <b>Air ambulance service</b> <input type="radio"/> Helicopter <input type="radio"/> Fixed wing
Number of vehicles or aircraft involved in proposal:	
Type of vehicles or aircraft contemplated. (Applicants are hereby strictly warned not to purchase vehicles or aircraft prior to a public convenience and necessity determination by the Department of Health, Bureau of Emergency Medical Services. Premature purchase of vehicles or other incursions of capital expenditures will <i>not</i> result in a more beneficial cost/benefit ratio analysis that would favor the applicant.)	
<b>9. PRIMARY SERVICE AREA</b>	
Briefly describe the proposed new primary service area (emergency scene response) or expansion of an existing primary service area:	Map attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Estimated population for proposed service area or expansion area:	
Is tourism a major factor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are nursing homes located in proposed service area or expansion area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If the applicant is a political subdivision, is the area being applied for larger than or beyond the political subdivision's official jurisdictional boundaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>10. BASES OF OPERATION</b>	
Location by street address and city for proposed base(s) of operation. (A base is where a vehicle or aircraft is routinely stationed, with a building with crew quarters and a telephone).	

Missouri

# Register

11. FINANCIAL INFORMATION						
NUMBER OF PROJECTED CALLS			PROJECTED AVERAGE CHARGE		AVERAGE CHARGE-EXISTING SERVICE	
Emergency	Interfacility Transfer	Return Home	Emergency	Non-emergency	Emergency	Non-emergency
Projected run-generated revenue: _____ X \$ _____ X _____ % = \$ _____ <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Number of calls</span> <span>Average charge</span> <span>Collection rate</span> <span>TOTAL</span> </div>						
If a political subdivision or a contract with a political subdivision for operational financial subsidy is contemplated, how much annual local tax revenue is projected for the service? \$ _____						
Has a projected fixed and variable cost of annual expenditures been made? <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL: \$ _____						
Has a detail of these fixed and variable costs, including staffing patterns, been attached to this application? <input type="checkbox"/> Yes <input type="checkbox"/> No						
Has a start-up capital requirement projection been made; ie. initial capital cost plus coverage of any projected additional operating losses? <input type="checkbox"/> Yes <input type="checkbox"/> No PROJECTED AMOUNT: \$ _____						
What percentage of the start-up capital requirements is: Public funds: _____ % Private investment: _____ % Loan capital: _____ %						
If loan capital is contemplated, list name and address of lending institution: <input type="checkbox"/> Loan approved <input type="checkbox"/> Loan pending						
12. RESPONSE TIME						
Air ambulance services should show dispatch time; i.e., call received until flight is commenced in lieu of response time: _____						
Average response time (from a call received until scene arrival) for existing ambulance service: _____						
Projected average response time for proposed service or response time improvement if this is an application for primary service area changes: _____						
13. DOCUMENTED PROBLEMS WITH EXISTING AMBULANCE SERVICE (check relevant items)						
<input type="checkbox"/> Slow response time	<input type="checkbox"/> Inadequate maintenance of vehicles or aircraft	<input type="checkbox"/> Excessive or unreasonable charges				
<input type="checkbox"/> Unwilling to come or to transport	<input type="checkbox"/> Inadequate maintenance of equipment	<input type="checkbox"/> Abusive collection practices				
<input type="checkbox"/> Patient care mistakes or errors	<input type="checkbox"/> Unsafe driving or flying practices (accidents?)	<input type="checkbox"/> Demand for payment prior to transport				
<input type="checkbox"/> Equipment failure	<input type="checkbox"/> Cleanliness of vehicles or aircraft	<input type="checkbox"/> Other (specify) _____				
<input type="checkbox"/> Aging vehicles or aircraft	<input type="checkbox"/> Discourteous treatment					
Is the applicant able and willing to document specific cases of any of the items checked above? If so, please attach.						
<input type="checkbox"/> Yes <input type="checkbox"/> No						
14. MEDICAL ADVISOR (if identified)						
NAME					PHONE NUMBER	
ADDRESS						
CITY, STATE, ZIP CODE						

# Proposed Rulemaking

Does the medical advisor understand his or her role for:

- Representing the service to the wider medical community?  Yes  No
- Duty to develop a plan for treatment protocols and other applicable protocols?  Yes  No
- Duty to develop a plan for continuing education to maintain paramedic and EMT skills?  Yes  No
- Duty to implement a quality improvement program?  Yes  No

## 15. PUBLIC OPINION

- Does public opinion favor the proposal?  Yes  No
- Are you able to document the allegation of favorable public opinion?  Yes  No

## 16. DISPATCHING

- Has a dispatching system been decided upon?  Yes  No
- If yes, please mark appropriate one.
- Central dispatch center
- Central dispatch center with 9-1-1 or enhanced 9-1-1
- Dispatching services to be provided by the applicant

## 17. ON-LINE MEDICAL CONTROL

Has a plan for telecommunications medical control been accomplished for the following items:

- Necessary radio telecommunications equipment identified?  Yes  No
- On-line medical control?  Yes  No
- Hospital/emergency room identified?  Yes  No
- Appropriate Federal Communications frequency approved and identified?  Yes  No

## 18. VERIFICATION/SIGNATURE

I understand that any false statements made in the application for a public convenience and necessity hearing can adversely affect the application and result in appropriate prosecutions for false written statements to mislead a public servant.

**PRINTED NAME**

**SIGNATURE**

**TITLE**

**DATE**

The completed application should be mailed to:

Missouri Department of Health  
Bureau of Emergency Medical Services  
P.O. Box 570  
Jefferson City, MO 65102-0570

**Title 21—MISSOURI FAMILY TRUST  
Division 10—Director and Board of  
Trustees  
Chapter 1—General Organization**

**PROPOSED AMENDMENT**

**21 CSR 10-1.010 General Organization.**  
The board is amending sections (3) and (4).

*PURPOSE: This amendment reflects amendments made by Senate Bill 338 of the 87th General Assembly and corrects the address and telephone number of the office of the Missouri Family Trust.*

(3) House Bill 318 of the 85th General Assembly of Missouri, as amended by Senate Bill 311 of the 86th General Assembly and Senate Bill 338 of the 87th General Assembly, created the Missouri Family Trust Board of Trustees as a body corporate and an instrumentality of the state. The statutory provisions relating to the establishment and operation of the Missouri Family Trust are provided for in sections 402.199—402.225, RSMo. The rules in 21 CSR 10- [2] 1—21 CSR 10-4 relate to and are part of the Family Trust and the Charitable Trust.

(4) Anyone wishing to obtain information concerning the Missouri Family Trust may do so by contacting the Executive Director at [1706 East Elm, P.O. Box 1112, Jefferson City, MO 65102 or by calling (314) 634-4484.] 600 E. 22nd Street, Kansas City, MO 64108 or by calling (816) 889-3140.

*Auth: sections 402.210.6. and 402.215.1., RSMo (Cum. Supp. [1991] 1993) and 402.225, RSMo (Cum. Supp. 1989). Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed Nov. 2, 1994.*

*STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this Proposed Amendment with the Missouri Family Trust, John C. Furla II, Executive Director, 600 E. 22nd Street, Kansas City, MO 64108. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 21—MISSOURI FAMILY  
TRUST  
Division 10—Director and Board of  
Trustees  
Chapter 2—Missouri Family Trust**

**PROPOSED AMENDMENT**

**21 CSR 10-2.010 Terms and Conditions of the Missouri Family Trust.** The board is amending sections (1), (3) and (7).

*PURPOSE: This amendment reflects changes made by Senate Bill 338 of the 87th General Assembly and rules adopted by the board of trustees relating to the acceptance of settlement proceeds.*

(1) Contribution to the Missouri Family Trust Fund. In order to establish an account with the Missouri Family Trust Board of Trustees, a donor shall contribute the property described in the Missouri Family Trust agreement (the Agreement) signed by the donor and an authorized representative on behalf of the board of trustees. The minimum contribution necessary to establish an account shall be five hundred dollars (\$500). Upon receipt of the contribution, the board of trustees shall open an account for the benefit of the beneficiary designated in the Agreement (referred to as the beneficiary). No account shall list more than two (2) donors, although contributions may be made to any particular account by an unlimited number of contributors. Additional contributions may be made in increments of not less than one hundred dollars (\$100) each. The Missouri Family Trust may accept contributions from any source, other than directly from the beneficiaries and their spouses. The Family Trust will also accept contributions for designated beneficiaries from structured settlements for the resolution of liability claims only with appropriate court orders properly determining the claims of the state of Missouri and other potential creditors to the funds being transferred to the beneficiaries' accounts and certifying that the residue of the accounts after the death of the beneficiaries are to be transferred to the Charitable Trust, not to the family members of the beneficiaries or any other individuals.

(3) Annual Agreement on Use of Funds. The board of trustees, with the consent of the designated cotrustee, if any, shall agree annually on the amount of income or principal, or both, to be used to provide benefits and the nature and type of benefits to be provided for the beneficiary. It is the purpose of the trust to supplement, not replace, any government benefits for the beneficiary's basic support to which that beneficiary may be entitled and to increase the quality of that beneficiary's life by

providing him/her with those amenities which cannot otherwise be provided by public assistance or entitlement or other available sources. Permissible expenditures include, but are not limited to, more sophisticated dental, medical and diagnostic work or treatment than is otherwise available from public assistance, private rehabilitative training, supplementary education aid, entertainment, periodic vacations and outings, the transportation of the beneficiary or of friends or relatives of the beneficiary to visit him/her, expenditures to foster the interests, talents and hobbies of the beneficiary, and expenditures to purchase personal property and services which will make life more comfortable and enjoyable for the beneficiary but which will not defeat his/her eligibility for public assistance. The board of trustees, in its discretion, may make payments for a person to accompany the beneficiary on vacations and outings and for the transportation of the beneficiary or of friends and relatives of the beneficiary to visit him/her. **Income or principal, or both, may be used to pay funeral and burial costs of the beneficiary.** The board of trustees may make payments and distributions in any one (1) or more of the following ways as the board of trustees may deem advisable, in those amounts and for those uses as will not defeat the beneficiary's eligibility for public assistance, namely:

(7) Death of Beneficiary. If the beneficiary dies before receiving any benefits provided by the use of trust income or principal, then an amount equal to one hundred percent (100%) of the original contribution shall be distributed to that person(s) as the donor shall have designated in the Agreement. Any undistributed net income shall be distributed to the Charitable Trust. If at that date of death of the beneficiary, the beneficiary shall have been receiving benefits provided by the use of trust income, principal, or both, then in that event, an amount equal to [fifty percent (50%)] seventy-five percent (75%) of the original contribution, reduced by any distributions or encroachments of principal previously made, shall be distributed to the person(s) designated by the donor in the Agreement; and the balance of the original contribution, as reduced, together with all undistributed net income, shall be distributed to the Charitable Trust. **Prior to making any distribution pursuant to the provisions of this section, the board of trustees may use income or principal, or both, to pay the funeral and burial costs of the beneficiary.**

*Auth: sections 402.210.6. and 402.215.2(1), RSMo (Cum. Supp. [1991] 1993). Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed Nov. 2, 1994.*

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## Proposed Rulemaking

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**STATE AGENCY COST:** *This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE ENTITY COST:** *Persons and families who desire to establish an account with the Missouri Family Trust Board of Trustees, pursuant to 21 CSR 10-2.010, have to pay in a minimum of \$500 in order to establish an account. For the remainder of the fiscal year ending June 30, 1994, it is estimated that persons and families will pay in \$105,000 in order to establish accounts with the Missouri Family Trust Board of Trustees.*

**ASSUMPTIONS:** *The above estimate is based on the assumption that two accounts of \$50,000 each, ten accounts of \$10,000 each, and 20 accounts of \$500 each will be established during each fiscal year.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this Proposed Amendment with the Missouri Family Trust, John C. Furla II, Executive Director, 600 E. 22nd Street, Kansas City, MO 64108. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**PRIVATE ENTITY FISCAL NOTE**

(402.199 - 402.225, RSMo.)

Notice of Proposed Rulemaking: Proposed Amendment of 21 CSR 10 - 2.010 reflects rules adopted by the Missouri Family Trust Board of Trustees on January 8, 1994 relating to the acceptance of settlement proceeds.

Agency preparing this Fiscal Note: Missouri Family Trust

<u>(1)</u> <u>Estimated Number</u> <u>affected</u>	<u>(2)</u> <u>Classification of</u> <u>Private Entities</u>	<u>(3)(A)</u> <u>Estimated Aggregate</u> <u>Costs on Annual Basis</u>	<u>(3)(B)</u> <u>Estimated Aggregate</u> <u>Costs of Initial</u> <u>Implementation</u>
32	Persons and Families	\$105,000	\$500.00

**Explanation of fiscal note items:**

Persons and families who desire to establish an account with the Missouri Family Trust Board of Trustees, pursuant to 21 CSR 10-2.010, have to pay in a minimum of five hundred dollars in order to establish an account. For the remainder of the fiscal year ending June 30, 1994, it is estimated that thirty-two persons and families will pay in one hundred five thousand dollars in order to establish accounts with the Missouri Family Trust Board of Trustees.

Assumptions: The above estimate is based on the assumption of two accounts of fifty thousand dollars each, ten accounts of ten thousand dollars each, and twenty accounts of five hundred dollars each will be established during each fiscal year.

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# Proposed Rulemaking

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**Title 21—MISSOURI FAMILY TRUST**  
**Division 10—Director and Board of Trustees**  
**Chapter 3—Charitable Trust**

**PROPOSED AMENDMENT**

**21 CSR 10-3.010 Charitable Trust Regulations.** The board is amending subsections (5)(A)—(C), and section (6).

*PURPOSE: This amendment adds to the description of beneficiaries of the Charitable Trust those person who are to be benefitted by the Contract for Payment of Client Funeral Services between the Department of Mental Health and the board of trustees and those persons who may be benefitted by other restricted accounts established within the Charitable Trust, and clarifies how the use of funds will be determined.*

**(5) Beneficiaries.**

(A) Any person who has a handicap, as defined in section 402.200(4), RSMo, or who is eligible for services provided by or through the Missouri Department of Mental Health and who either has no immediate family or whose immediate family, in the reasonable opinion of the board of trustees, is financially unable to make a contribution to the trust sufficient to provide benefits for that individual, while maintaining that individual's eligibility for governmental entitlement funding, shall be eligible to become a beneficiary of the Charitable Trust. For the purpose of this rule, the term immediate family includes spouse, parents, children and siblings. The Missouri Department of Mental Health and others may recommend to the board of trustees persons to become beneficiaries of the Charitable Trust.

(B) Pursuant to a Contract for Payment of Client Funeral Services between the Department of Mental Health (DMH) and board of trustees, a DMH Client Funeral Account was established within the Charitable Trust. DMH, from time-to-time, shall authorize the board of trustees to make payment out of this account on behalf of DMH for the funeral services of clients of DMH. Any such DMH client for whom a payment is authorized shall be deemed to be a beneficiary of the DMH Client Funeral Account of the Charitable Trust.

(C) Anyone, with the consent of the board of trustees, may establish a restricted account within the Charitable Trust and shall be permitted to determine, with the consent of the board of trustees, the beneficiaries of this restricted account.

(6) Use of Funds. Annually the board of trustees [shall determine] and the Missouri

Department of Mental Health shall agree on the amount of income or principal, or both, to be used to provide benefits and the nature and type of benefits to be provided to the beneficiaries of the Charitable Trust. It is the purpose of the Charitable Trust to supplement, not replace, any government benefits for the beneficiary's basic support to which that beneficiary may be entitled and to increase the quality of that beneficiary's life by providing him/her with those amenities which cannot otherwise be provided by public assistance or entitlement or other available sources. Permissible expenditures include, but are not limited to, more sophisticated dental, medical and diagnostic work or treatment that is otherwise available from public assistance, private rehabilitative training, supplementary education aid, entertainment, periodic vacations and outings, the transportation of the beneficiary or of friends or relatives of the beneficiary to visit him/her, expenditures to foster the interests, talents and hobbies of the beneficiary, and expenditures to purchase personal property and services which will make life more comfortable and enjoyable for the beneficiary but which will not defeat his/her eligibility for public assistance. The board of trustees, in its discretion, may make payments for a person to accompany the beneficiary on vacations and outings and for the transportation of the beneficiary or of friends and relatives of the beneficiary to visit him/her. The board of trustees may make payments and distributions in any one (1) or more of the following ways as the board of trustees may deem advisable, in those amounts and for those uses that will not defeat the beneficiary's eligibility for public assistance, namely:

*Auth: sections 402.210.6. and 402.215.2(10), RSMo (Cum. Supp. [1991] 1993). Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed Nov. 2, 1994.*

**STATE AGENCY COST:** *This Proposed Amendment is estimated to cost \$75,000 for general expenditures and \$200,000 in appropriations, annually.*

**PRIVATE ENTITY COST:** *This Proposed Amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this Proposed Amendment with the Missouri Family Trust, John C. Furla II, Executive Director, 600 E. 22nd Street, Kansas City, MO 64108. To be considered, comments must be received within thirty days after publication of this notice in the Missouri*

*Register. No public hearing is scheduled.*

**FISCAL NOTE**

Proposed rule 21 CSR 10-3.010. Prepared July 30, 1992 and amended by the Missouri Family Trust Board of Trustees on January 8, 1994. Affected Agencies: Missouri Family Trust and Missouri Department of Mental Health.

Private Entity Cost: This proposed rule will not cost private entities more than five hundred dollars in the aggregate.

EXPENDITURES	FISCAL YEAR 1995	FIRST FULL FISCAL YEAR OF IMPLEMENTATION (FY 1995)
Covered Funeral Expenses	\$75,000	\$200,000
 <b>REDUCTION IN PUBLIC REVENUES</b>		
There are no anticipated reductions in public revenues		
 <b>TOTAL COST</b>	 <b>\$75,000</b>	 <b>\$200,000</b>

Explanation of Fiscal note items: The \$75,000 figure per year is based upon an estimated cost of each covered funeral at approximately \$1500.00 per expenditure. The \$200,000 figure is based upon a yearly appropriation and contractual agreement between the Missouri Family Trust and the Missouri Department of Mental Health. Specific costs over the life of the rule are not known but this agreement between the Missouri Family Trust and the Missouri Department of Mental Health should remain in effect, on a yearly basis, until such time as the funeral expenditures of the clients of the Missouri Department of Mental Health are satisfied.

Assumptions: These figures are based upon prior years' experience and appropriations.

# Orders of Rulemaking

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

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. A ninety-day period starts on the date of public hearing or the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 3—Preapproval of Claims and Accounts

### ORDER OF RULEMAKING

By the authority vested in the commissioner of administration under section 33.030(3), RSMo (1986), the commissioner adopts a rule as follows:

#### 1 CSR 10-3.010 is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on September 15, 1994 (19 MoReg 2127—2129). Due to a publication error, several grammatical changes were made by the staff and proper wording was inadvertently omitted in sections (3) and (4). The words "building acquisition" were mistakenly deleted from paragraph (3)(A)1. and the words "non-compliance with the requirements of the State of Missouri

Travel Regulations issued by the Office of Administration, Division of Accounting" were mistakenly deleted from subsection (4)(E). The Proposed Rule was reprinted in the In Addition section of the *Missouri Register* on October 3, 1994 (19 MoReg 2303, 2304). For further clarification, the changes are also reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

#### 1 CSR 10-3.010 Preapproval of Claims and Accounts: Definitions/Examples

(3) The following are claims which may not be certified as correct claims for the purpose of the appropriation charged:

(A) When the description of the claim indicates that the expenditure is not within the purpose of the appropriation being charged. For the purpose of certification for correct appropriation the following appropriation type definitions will apply:

1. Expense and equipment—all expenditures for operating services, supplies, rentals, professional and technical services, other charges necessary to the operation of an agency, acquisition of equipment and major repairs that extend the useful life of the equipment. This appropriation type also includes expenditures for operational repairs to state-owned facilities which do not increase their capacity or operating efficiency or enhance their function and are limited to ten thousand dollars (\$10,000) per project. Expense and equipment appropriations may also be used for capital improvements to offices and buildings up to ten thousand dollars (\$10,000) when no capital improvement appropriation exists and the expenditure is approved by the director of the Division of Design and Construction and the assistant director of the Division of Accounting. Expense and equipment appropriations do not include employees wage/salaries, land acquisition, building acquisition, building construction [.] , building demolition and capital improvements other than those allowed above;

2. Capital improvements—substantial expenditures for the purchase of capital assets (land and buildings) and the extensive repairs and improvements to a capital asset which increases its capacity or operating efficiency by extending its useful life and/or enhancing its function. Purchase cost includes purchase or contract price, delivered accessories, delivery charges and other purchase-related costs. Extensive repair and improvement costs include materials and supplies directly related to the project and necessary to its completion and other related costs to the project;

3. Personal services—all expenditures for salaries, wages and related employee benefits; and

4. Program/specific—expenses for a group of activities or services performed for an identifiable group to serve a specific purpose. This appropriation type allows any type of expenditure necessary to fulfill the intent of the program as defined in the corresponding house bill. Program appropriations may be broadly constructed or contain restrictive language for specific purposes;

(4) The following are other types of claims which may not be certified as correct claims pending resolution of the incorrect condition when:

(A) The vendor name on the invoice/document does not agree with the vendor name entered on the warrant request;

(B) The amount to be paid does not agree with the amount on the vendor invoice/document;

(C) The warrant request does not contain the authorized department signature;

(D) The object codes used do not relate to the descriptions of the goods or services purchased pursuant to the object code descriptions published in the [state of] *State of Missouri Financial Management and Control System Manual*;

(E) Travel expense reimbursement claims and direct billed travel expenses are in [business practice or when prepayment is required by the vendor,] non-compliance with the requirements of the *State of Missouri Travel Regulations* issued by the Office of Administration, Division of Accounting;

(F) Claims for expenditures are not documented with one of the delivery receiving report methods described in the [state of] *State of Missouri MAPS/SAM Agency Procedures Manual* issued by the Office of Administration, Division of Accounting. Exceptions would be for those types of items or services for which payment in advance is the normal business practice or when prepayment is required by the vendor;

(G) Claims to establish, increase and reimburse imprest funds are not submitted in accordance with the accounting procedures of the [state of] *State of Missouri MAPS/SAM Agency Procedures Manual* issued by the Office of Administration, Division of Accounting; and

(H) Claims for late payment penalties are not submitted in accordance with the accounting procedures of the [state of] *State of Missouri MAPS/SAM Agency Procedures Manual* issued by the Office of Administration, Division of Accounting. It is the submitting agencies responsibility to verify that late payment penalties are calculated correctly pursuant to section 34.055, RSMo. The Office of Administration, Division of Accounting may

ask for documentation to support that the agency has recalculated and verified the correct late payment penalty amount. A copy of the original invoice that was paid late, must be attached to the late payment penalty invoice. Late payment penalties should be paid from funds appropriated in the fiscal year in which the goods or services were delivered. If that fiscal year has lapsed, current fiscal year funds must be used.

**REVISED STATE AGENCY AND PRIVATE ENTITY COST:** *Since the changes made to the Proposed Rule do not alter the cost estimates by more than ten percent, revised cost estimates are not necessary.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 40—Office of Athletics**  
**Chapter 1—General Organization and Procedures**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Economic Development under section 317.006, RSMo (1986), the director amends a rule as follows:

**4 CSR 40-1.021 Definitions is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on September 1, 1994 (19 MoReg 1986). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 40—Office of Athletics**  
**Chapter 2—Licenses and Permits**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Economic Development under section 317.006, RSMo (1986), the director amends a rule as follows:

**4 CSR 40-2.011 Licenses is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on September 1, 1994 (19 MoReg 1987, 1988). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 40—Office of Athletics**  
**Chapter 2—Licenses and Permits**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Economic Development under section 317.006, RSMo (1986), the director amends a rule as follows:

**4 CSR 40-2.021 Permits is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on September 1, 1994 (19 MoReg 1989). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 40—Office of Athletics**  
**Chapter 3—Ticket Procedures**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Economic Development under section 317.006, RSMo (1986), the director amends a rule as follows:

**4 CSR 40-3.011 Tickets and Taxes is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on September 1, 1994 (19 MoReg 1989—1993). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 40—Office of Athletics**  
**Chapter 4—Licensees and Their Responsibilities**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Economic Development under section 317.006, RSMo (1986), the director amends a rule as follows:

**4 CSR 40-4.030 Professional Boxing, Wrestling and Karate Referees is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on September 1, 1994 (19 MoReg 1994). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 40—Office of Athletics**  
**Chapter 4—Licensees and Their Responsibilities**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Economic Development under section 317.006, RSMo (1986), the director amends a rule as follows:

**4 CSR 40-4.080 Judges for Professional Boxing and Karate is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on September 1, 1994 (19 MoReg 1994). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

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# Orders of Rulemaking

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**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 40—Office of Athletics**  
**Chapter 5—Inspectors' Duties for Boxing, Wrestling, Karate and Semiprofessional Elimination Contests**

## ORDER OF RULEMAKING

By the authority vested in the director of the Department of Economic Development under section 317.006, RSMo (1986), the director amends a rule as follows:

**4 CSR 40-5.040 Rules for Professional Boxing is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on September 1, 1994 (19 MoReg 1994—1996). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 40—Office of Athletics**  
**Chapter 5—Inspectors' Duties for Boxing, Wrestling, Karate and Semiprofessional Elimination Contests**

## ORDER OF RULEMAKING

By the authority vested in the director of the Department of Economic Development under section 317.006, RSMo (1986), the director adopts a rule as follows:

**4 CSR 40-5.070 Semiprofessional Elimination Contest is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on September 1, 1994 (19 MoReg 1996, 1997). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 90—State Board of Cosmetology**  
**Chapter 13—General Rules**

## ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under section 329.210(3), RSMo (Cum. Supp. 1993), the board hereby amends a rule as follows:

**4 CSR 90-13.010 Fees is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1765—1767). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**  
**Division 50—Workers' Compensation**  
**Chapter 7—Missouri Workers' Safety Program**

## ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

**8 CSR 50-7.010 is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1768—1770). All comments made and submitted during the comment period were considered. Those sections with changes are reprinted following the Summary of Comment. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: One commenter stated that section (3) is overbroad in applying to self-insured employers by mandating the collection of data from these employers. The statement was made that this goes beyond the scope of section 287.123, RSMo, which applies to insurance carriers. The department agrees and is deleting the reference to self-insured employers in that section.

The American Insurance Association comments that in section (3), the division assumes data currently reported meets the requirements of this rule. If a determination is made that additional data is required, the organization requests an opportunity to provide public comment on the proposed changes to the data reports.

The department agrees that to the extent changes in data reporting are requirements made by rule, public comment will be available. Also, the department realizes that effective communications between the Missouri Workers' Safety Program and the insurance companies that provide the data is necessary in order to effectively collect the information to measure the success of safety programs. While the department cannot guarantee public comment on all data reporting requirements changes, the Missouri Workers' Safety Program is available to address concerns and problems regarding any aspect of the program.

**8 CSR 50-7.010 Purpose**

(3) The division shall collect and serve as a repository for statistical information on workers' health and safety. The job safety and health information system shall include a comprehensive data base that incorporates all pertinent information relating to each reported injury involving a lost time incident of any employer utilizing the safety and health services available under section 287.123, RSMo. The information collected shall be submitted by the insurance carrier [or self-insured employer] on a quarterly basis or as requested by the division.

**REVISED STATE AGENCY AND PRIVATE ENTITY COST:** Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised costs estimates are not necessary.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**  
**Division 50—Workers' Compensation**  
**Chapter 7—Missouri Workers' Safety Program**

## ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

**8 CSR 50-7.020 is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1771). However, after conducting a final review, the department noted that technical corrections should be made to clarify terms used in the Missouri Workers' Safety Program. The term "Post-injury management" is changed to "Case management" to comply with current language for safety programs. The term "Program manager" is defined since that term is used in the rule. Changes made to the Proposed Rule are reprinted here. The Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

### 8 CSR 50-7.020 Definitions

(1) The words defined in section 287.123, RSMo shall have the same meaning as when used in these rules, unless the context plainly requires a different meaning.

**(B) Case management—The focusing of attention and effort on the management of workers' compensation cases, which may involve the resolution of both medical and non-medical concerns.**

[(B)] (C) Department—The Missouri Department of Labor and Industrial Relations.

[(C)] (D) Director—The director of the Missouri Department of Labor and Industrial Relations.

[(D)] (E) Division—The Division of Workers' Compensation.

[(E)] (F) Division director—The director of the Division of Workers' Compensation.

[(F)] (G) Hazards—The conditions, equipment, environment or people which can have an adverse effect on the physical or health status of the worker, employer and/or property.

[(G)] (H) Outline—The written outline filed by an insurance carrier with the Missouri Workers' Safety Program for the purpose of obtaining certification.

[(H)] *Post-injury management—The focusing of attention and effort on the management of workers' compensation cases, which may involve the resolution of both medical and non-medical concerns.*

**(J) Program manager—Program manager of the Missouri Workers' Safety Program.**

[(J)] (K) Safety and health review audit—A comprehensive survey or review of an employer's operation of business.

[(K)] (L) Safety management—The administration, implementation and maintenance of persons and property that effectively reduces or removes recognizable and/or foreseeable hazardous conditions or acts.

**REVISED STATE AGENCY AND PRIVATE ENTITY COST:** *Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised costs estimates are not necessary.*

### Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

#### Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

8 CSR 50-7.030 is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1771). No comments were received; however, after conducting a final review, the department noted that the words "or address" should be added to section (2). The section with this change is reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

### 8 CSR 50-7.030 Name and Address Change

(2) A certificate holder whose name or address is changed shall promptly notify the Missouri Workers' Safety Program and provide a copy of the appropriate document indicating the change as well as requesting that a new certificate be issued.

**REVISED STATE AGENCY AND PRIVATE ENTITY COST:** *Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised costs estimates are not necessary.*

### Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

#### Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

8 CSR 50-7.040 is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1771—1773). Those sections with changes are reprinted following the Summary of Comment. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** All comments made and submitted during the comment period were considered. The National Association of Independent Insurers (NAII) comment deals with subsection (1)(B) in that the rule appears to go beyond the requirement of the statute. Additionally, it is suggested that the rule is too specific in the requirements for the program and that the program must be tailored to the request of any one individual. The department does not agree that the provisions for the written outline of the safety program goes beyond the scope of the statute or are too specific. Insurance companies are required to provide a general written outline that reflects the business lines the company underwrites. Thus, if an insurance company insures all job classifications in Missouri, the outline must be broad enough in scope to encompass all employers it insures. On the other hand, if an insurance company only insures employers in the trucking industry, it need only file an outline relating to the safety and health hazards in that industry.

NAII requests clarification of the phrase "health hazard exposure level." The department agrees the term needs clarification and has changed subparagraph (1)(B)1.C. to the phrase "health hazard exposures." This phrase relates to the exposures in a business for an occupational disease that may be encountered in the workplace.

NAII comments that paragraphs (1)(B)2., 3., and 5., are duplicative and create unreasonable requirements. Additionally, the rule seems to preclude the judgment of an insurer in assessing the needs of the employer. As to paragraphs (1)(B)2. and 3. of the rule, the department does not agree. Paragraph (1)(B)1. establishes what must be included in the outline that is filed with the Missouri Workers'

# Orders of Rulemaking

Safety Program. Paragraphs (1)(B)2. and 3. of the rule establish certain services that the insurer must provide to the employer, upon request of the employer, in order to comply. These services are required elements of the safety program. This does not preclude the judgment of the insurance carrier because these services simply mandate a review and inspection. It will be the judgment of the insurance carrier as to the necessary action to be taken to control the risks or loss control factors associated with the individual employer. With regard to paragraph (1)(B)5. of the rule, the department agrees that the language is duplicative and deletes the paragraph.

NAII comments that case management assistance established in paragraph (1)(B)4. is beyond the scope of the regulation. The department does not agree. A "comprehensive safety program" as required by section 287.123, RSMo, must include safety factors involved when the employee returns to work. The ideal goal of a safety program is to reduce costs to the employer by preventing injuries, and to also reduce costs by speeding an employee's return to work as soon as medically possible. By utilizing appropriate safety practices, an employee can be returned to work in a safer environment, at an earlier time.

The next item of comment by NAII is that subsection (1)(C) is duplicative of the requirements in subsection (1)(B) and by listing these requirements, they appear to be separate and independent required components of the loss control program. The department does not agree. This subsection of the rule relates to the educational and information training program an insurance company must provide to educate employers in the identification of health and safety hazards. The educational program can be made available to the employer in a variety of ways; however, the insurance company must include the educational and information training program as part of its overall safety program.

The American Insurance Association (AIA) comment relates to paragraph (1)(A)3. in that the data required to be reported is unclear and insurance companies may be unable to comply. The department agrees and amends this section to set out the type of information to be collected as it relates to the affect of an insurance company safety program on an employer's injury incident rate, the severity of injuries and other reports necessary to measure the effectiveness of the safety program. By identifying the type of information the department wishes to measure, clarification is provided for the types of data necessary to be reported to the program.

In regard to paragraph (1)(B)1., AIA asserts conflicts with the provisions of paragraph (1)(B)2. in that requiring the insurance company to file a written outline of a program is consistent with a review of any written

program of an insured employer. Further, AIA recommends that paragraph (1)(B)1. be deleted to resolve the conflict and paragraph (1)(B)2. be amended to identify it is the employer's responsibility to establish the written safety program. The department does not agree to delete the provisions of paragraph (1)(B)1. because such action would conflict with the statutory provisions in section 287.123.2., RSMo, which requires the insurance company to file "a written outline of the safety engineering and management program." The statutory section imposes the responsibility on the insurance company to provide a comprehensive safety program to an employer upon the request of that employer. As part of the request, the insurance company may review a written program, if any, of the employer, shall also assist the employer in establishing a minimally acceptable written safety program. The insurance company can not, and is not under the terms of this rule, required to assure that an employer successfully implement a safety program. However, the insurance company is required to provide safety services on request of the employer.

The next item in comment by AIA is that the rule should have a requirement that an employer must submit its request for services under the rule to an insurance company in writing. The department does not agree that this requirement should be included in the rule. However, an insurance company may include this element in its written outline of the safety program. The department believes that this type of matter is best left to the determination of each company when submitting its program.

The next item in the comment by AIA is in regard to paragraph (1)(B)3. that requires a carrier, upon request, to perform a safety and health review audit as deemed "appropriate and necessary" in the determination of the insurance carrier. The department agrees that the initial determination as to "appropriate and necessary" is made by the insurance carrier. However, in the event a complaint is filed by an employer for failure of the insurance company to provide appropriate safety services under the rule, the Missouri Workers' Safety Program will have the responsibility to investigate and determine whether the request for an on-site inspection that was denied was "appropriate and necessary." Additionally, AIA commented that the words "consultation or survey" more accurately describe insurance company activity than the word "inspection" in this subsection of the rule. The department agrees and has added the words "consultation or survey" to this subsection.

The next item in the comment is that paragraph (1)(B)4. is beyond the scope of the safety rule. The rule should focus on accident prevention, not claims management. The recommendation was made that this section be deleted. The department disagrees, for the

reasons set out previously in the response to comments from NAII.

Comment is made in regard to paragraph (1)(B)5. that an insurance company will not have large enough data to determine trends in occupational injuries and illnesses and therefore be unable to provide this information to an employer. Also, the commenter states that this section is duplicative of paragraph (1)(B)3. of the rule. The recommendation is made to delete the paragraph. The department agrees, as stated in its prior response to NAII, and deletes the paragraph.

## 8 CSR 50-7.040 Certification Requirements: Safety Engineering and Management Program

(1) The criteria of a certified safety engineering and management program, as established by an insurance carrier, shall include:

(A) Administration.

1. The insurance carrier shall notify each insured employer at the time of the initial purchase of a policy and, annually thereafter, of the availability of its services pertaining to a comprehensive safety engineering and management program.

2. The insurance carrier shall designate and appoint a person to be responsible for the initiation and management of its program.

3. The insurance carrier shall coordinate or supervise the collection of information relating to worker safety to measure the effectiveness of the safety program, including the effect of the program on the employer's injury and occupational disease incidence rate, the severity of injuries that do occur and other reports as required by the division;

(B) Implementation and Management.

1. The insurance carrier shall establish a program designed to address the worker safety and health needs of its insured employer. The program shall be put in the form of a written outline and shall include—

A. Provisions for providing an employer with resources to address safety and health issues and advising an employer of the availability of resources and individuals competent to address safety and health concerns;

B. Provisions for assisting an insured employer to develop a comprehensive safety and health program, pertaining to the specific needs of that employer;

C. Provisions for assisting an insured employer to identify health hazard exposures [levels], as may be applicable; and

D. Provisions for assisting an insured employer to conduct effective accident investigation procedures.

2. The insurance carrier, upon request, shall perform a review of its insured employer's written program(s), and shall assist the employer in establishing a minimally accept-

able written program(s). The program(s) shall be based on objectively determinable risks or loss control factors associated with an individual employer.

3. The insurance carrier, upon request, shall perform a safety and health review audit, which shall include on-site inspections, consultations or surveys as deemed appropriate and necessary to assist the employer in identifying actual or potential health and safety hazards.

4. The insurance carrier, upon request, shall provide or recommend available resources for case file management. The focus of case file management shall be on returning the injured employee to work as soon as medically possible. The insurance carrier should provide education and/or assistance to the employer in the development of modified duty programs and internal case management [.] ; and

[5. The insurance carrier, upon request, shall assist each insured employer in identifying occupational injury and illness trends, as related to specific workplace needs, and shall assist the division in collecting statistical data; and]

**REVISED STATE AGENCY AND PRIVATE ENTITY COST:** *Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised costs estimates are not necessary.*

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

### Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

#### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

8 CSR 50-7.050 is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1774—1776). All comments made and submitted during the comment period were considered. Those sections with changes are reprinted following the Summary of Comment. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** The American Insurance Association commented in regard to section (4) which appears to require on-site

visits with the insurance carrier and with the insurance carrier's insureds as part of the certification and renewal process. The comment states that this is an inappropriate use of the Missouri Workers' Safety Program resources and these resources would be better utilized to promote workplace safety by providing voluntary consultations with employers, on request, instead of visits with policyholders to determine the adequacy of the carrier's loss protection services. The department partially agrees with the comment. The language of the section has been amended to clarify that the program will conduct random on-site visits with insureds as part of the certification or renewal process. The department disagrees that these visits should be eliminated altogether. An important part of the program is to monitor that the safety services requested by employers are in fact being provided. Without this type of review process, the Missouri Workers' Safety Program would be unable to make a determination of the adequacy of the safety program for certification or renewal purposes.

The division has also received numerous questions regarding the time period for filing an application for approval of the Safety Engineering and Management Program. A clarification is added to the rule to establish a sixty (60)-day time period for filing the application and establishing the beginning of that time period.

#### 8 CSR 50-7.050 Application for Certification: Safety Engineering and Management Program

(1) An application for certification must be made on a form provided by the Missouri Workers' Safety Program. Application forms may be obtained by requesting a copy from the Missouri Workers' Safety Program, P.O. Box 58, Jefferson City, MO 65102. The application must be filed within sixty (60) days of the date the insurance company is authorized to sell workers' compensation insurance in the state of Missouri. If the insurance company is authorized to sell workers' compensation insurance prior to the effective date of this rule, the sixty (60) days shall run from notification by the program manager.

(4) The Missouri Workers' Safety Program shall conduct random on-site visits with the [insurance carrier] insureds of the insurance carrier as part of the certification or renewal process.

**REVISED STATE AGENCY AND PRIVATE ENTITY COST:** *Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised costs estimates are not necessary.*

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# Orders of Rulemaking

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**Missouri Department of Labor and Industrial Relations  
Division of Workers' Compensation**

3315 W. Truman Blvd.  
P.O. Box 58  
Jefferson City, Missouri 65102

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## Application for Insurance Carriers Certified Safety Programs

Missouri law RSMO 287.123, requires all insurance carriers writing workers' compensation in the state of Missouri to submit a written outline of their comprehensive safety management and engineering program for certification.

Please submit your written outline within 60 days to this office for review.

Type or print answers to all questions and mail in DUPLICATE to The Missouri Workers' Safety Program, 3315 W. Truman Blvd., P. O. Box 58, Jefferson City, MO 65109.

Undersigned Insurance Carrier hereby requests that the written outline of their comprehensive safety engineering and management services available to their insureds be certified.

### INSURANCE CARRIER INFORMATION

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Name of Insurance Carrier \_\_\_\_\_

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Mailing Address            (No)        (Street)        (City)    (State)        (Zip)        (Phone)

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Principal location        (No)        (Street)        (City)    (State)        (Zip)        (Phone)

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Other Missouri locations    (No)        (Street)        (City)    (State)        (Zip)        (Phone)

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Other Missouri locations    (No)        (Street)        (City)    (State)        (Zip)        (Phone)

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Other Missouri locations    (No)        (Street)        (City)    (State)        (Zip)        (Phone)

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Other Missouri locations    (No)        (Street)        (City)    (State)        (Zip)        (Phone)

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Other Missouri locations    (No)        (Street)        (City)    (State)        (Zip)        (Phone)

\*List additional locations, if any, on supplemental page.

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Name of contact person            (Title)            (Phone No.)

Number of loss control reps. \_\_\_\_\_

WS 003

Missouri

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# Register

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Missouri Department of Labor and Industrial Relations  
Division of Workers' Compensation

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Insurance Carrier Acknowledgment

The undersigned acknowledges that it understands the terms of the Program as outlined in the rules.

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Authorized Signature and Title

Date

WS 003

# Orders of Rulemaking

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

8 CSR 50-7.060 is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1777-1779). Those sections with changes are reprinted following the Summary of Comment. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** All comments made and submitted during the comment period were considered. Four commenters stated that safety in the construction industry is a special area of safety expertise and that separate education and certification requirements should be established to insure the necessary level of expertise for construction business. Specifically recommended were separate certification requirements, including work experience in construction related safety, and separate construction industry safety educational requirements. Additionally, one commenter suggested that construction safety be broken down into various construction fields, such as electrical, in order to better provide safety services. One commenter also suggested that a construction safety task force be appointed to work with the division on the Proposed Rule.

The department does not agree that construction safety should be separated out in the rule as a separate area of expertise. The statute, section 287.123, RSMo, provides for voluntary certification of certified safety consultants and certified safety engineers. The Missouri Workers' Safety Program's (MWSP) role is to provide certain minimum standards of education or experience to make available to employers in this state a registry of certified safety engineers or safety consultants. Insurance companies are required to provide safety programs for certification which, when construction lines are underwritten, will include safety programs that are aimed at the construction industry. The department believes it is the responsibility of employers to determine which certified safety consultant or certified safety engineer can provide appropriate services for that employer.

The department does not agree that a construction safety task force should be established since no separate safety requirements for the construction industry will be established.

One commenter believes that the rules provide that only engineers can become certified safety engineers or certified safety consultants. The commenter also stated that the requirement of education in safety in order to be certified is inappropriate. The department believes the rules do not limit safety certification to engineers, nor is any person without safety education that has practical experience excluded from being certified as a safety consultant. This rule provides for certification of safety consultants based on experience in subsection (4)(G).

Two other commenters also commented on the educational requirements for engineers or consultants and on the licensing requirements for engineers. It was stated that the educational requirements were too restrictive in limiting the appropriate degrees to a degree in safety, science or engineering. The department agrees and subsections (4)(A) and (B) have been modified. The education requirement will establish that an appropriate background in safety and health principles and techniques are necessary in the course of study in order to be certified. The requirement of licensing by the Missouri Board of Architects, Professional Engineers and Land Surveyors is a statutory requirement set out in section 327.181, RSMo, et seq. The department is bound to recognize engineers as defined by those sections and cannot certify anyone as an engineer without appropriate licensing. Any person licensed as an engineer in another state can be certified on that basis as a safety consultant under the other provisions of the rule.

One commenter believes that the rules are mandatory in requiring certification of safety engineers and safety consultants. The department does not agree and states that certification by any individual under this rule as a certified safety engineer or certified safety consultant is voluntary.

The purpose of this rule, as understood by the department, is to provide employers with a list of certified individuals to provide safety services. The mandatory portion of the rules apply to certification of insurance company safety programs.

The America Insurance Association commented that the only persons eligible to be certified as safety engineers or safety consultants under 8 CSR 50-7.060 should be "third-party" sources and not all loss control practitioners employed by insurance carriers. The department disagrees because registration as a certified safety engineer or certified safety consultant is voluntary and no individual is required to register or not register as part of the program. Employers are entitled to know that certain individuals have met the mini-

mum requirements established by the department for certification as a safety engineer or safety consultant. It may be important to an employer to know that the loss-control practitioners employed by an insurance company are certified, and in that event, the employer can rely on this registry to make that determination. This registry is for the benefit of employers and the department will not restrict access to "third-party" sources to the exclusion of any other loss control practitioner.

### 8 CSR 50-7.060 Requirements for Certification: Safety Engineers and Safety Consultants

(2) Each applicant seeking certification pursuant to 287.123, RSMo to be a safety engineer or safety consultant certified by the state pursuant to this rule shall furnish evidence to the division that the applicant [is] :

(A) Is [A] at least eighteen (18) years of age;

(B) Is [A] a United states' citizen or a legal alien; and

(C) [Of good moral character and h] Has not been convicted of a felony during the ten (10) years immediately preceding the application for certification.

(4) In addition to the qualifications set forth in section (2), an applicant for certification as a certified safety consultant shall submit evidence of meeting one (1) of the following qualifications:

(A) Obtained a bachelor's, master's or doctoral degree [in safety, science or engineering] from an acceptable educational institution in:

1. Industrial hygiene;
2. Engineering, with a major or concentration in occupational/industrial safety and health; or

3. Science, with a major or concentration in occupational/industrial safety and health;

[or]  
(B) Obtain a bachelor's, master's or doctoral degree from an acceptable educational institution with an academic degree training program [as follows]:

1. The program shall be] designed to teach primarily the principles and techniques of safety and health and shall be designed to train the students to become a professional in safety and health, and to engage in the practice of professional safety and health. The teaching of safety and health principles and techniques shall not be incidental to the degree program, but shall be the major course of study; [and]

2. The core program shall consist of at least twenty-one (21) semester hours or the equivalent thereof of study in safety and health, and require completion of a three (3) semester hour course, or its equivalent, in each of the following core areas:

- A. Environmental health and safety;
- B. Safety program administration and management;
- C. General occupational safety and/or health;
- D. Transportation safety;
- E. Fire safety;
- F. Industrial safety; and
- G. Safety engineering and applied science;]

certification. The denial letter will identify the reasons for denial and the appeal process.

*REVISED STATE AGENCY AND PRIVATE ENTITY COST: Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised costs estimates are not necessary.*

*REVISED STATE AGENCY AND PRIVATE ENTITY COST: Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised costs estimates are not necessary.*

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
 Division 50—Workers' Compensation  
 Chapter 7—Missouri Workers' Safety Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

8 CSR 50-7.070 is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1780—1784). After final review by division staff, one technical correction was made to section (2). In addition, the Application for Certification For Safety Engineers and Consultants has been revised to include questions concerning citizenship and felonious convictions as required in 8 CSR 50-7.060. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**8 CSR 50-7.070 Application for Certification: Certified Safety Consultant/Certified Safety Engineer**

(2) An application, including the applicant's Social Security number, must be typewritten, signed and notarized.

*[(5) All forms must be completed and post-marked by the established deadline.]*

*[(6)]* (5) Following the Missouri workers' safety review process, the applicant will be informed by letter of the approval or denial of

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# Orders of Rulemaking

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Missouri Department of Labor and Industrial Relations  
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## APPLICATION FOR ACADEMIC REQUIREMENT EXEMPTION

Pursuant to R.S.Mo. 287.123 and 8 CSR 50-7.060(4)(G) the following information is required in order to process an application for academic requirement exemption. If applicant is found qualified for the exemption the Missouri Workers' Safety Program will credit the applicant with meeting the educational requirements established under the rule for qualification for inclusion on the Registry of Safety Engineers and Consultants.

### OCCUPATIONAL SAFETY AND HEALTH EXPERIENCE IN LIEU OF ACADEMIC REQUIREMENT

Employers may be contacted to verify information provided. List each position in chronological order beginning with your present position. Account for all occupational safety and health experience in the last three years. Use a separate space for each position. Attach additional sheets if necessary.

Employer \_\_\_\_\_

Address \_\_\_\_\_  
(Street) (City) (State) (Zip)

Dates of Employment \_\_\_\_\_ Title \_\_\_\_\_ Type of Business or industry \_\_\_\_\_  
to \_\_\_\_\_

Supervisors name and phone number \_\_\_\_\_

**Description of Experience:** Indicate the percentage of time spent in the following areas:  
*Total shall not exceed 100%*

Safety\health administration & management	_____
Safety\health training and education	_____
Accident investigation and statistical reporting	_____
Safety\health program evaluation	_____
Safety\health program design	_____
Hazard identification	_____
Hazard elimination and control	_____
Environmental protection	_____
None of the above	_____

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Employer \_\_\_\_\_

Address \_\_\_\_\_  
(Street) (City) (State) (Zip)

Dates of Employment \_\_\_\_\_ Title \_\_\_\_\_ Type of Business or industry \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_

Supervisors name and phone number \_\_\_\_\_

**Description of Experience:** Indicate the percentage of time spent in the following areas:  
*Total shall not exceed 100%*

- Safety\health administration & management \_\_\_\_\_
- Safety\health training and education \_\_\_\_\_
- Accident investigation and statistical reporting \_\_\_\_\_
- Safety\health program evaluation \_\_\_\_\_
- Safety\health program design \_\_\_\_\_
- Hazard identification \_\_\_\_\_
- Hazard elimination and control \_\_\_\_\_
- Environmental protection \_\_\_\_\_
- None of the above \_\_\_\_\_

For the three areas in which you spend the most time, provide a brief description of your duties and give specific examples.

I certify that the statements above (including any attachments submitted) are accurate to the best of my knowledge. I hereby authorize the Missouri Workers' Safety Program to verify any information submitted. I understand that any falsification of information in the application (or attachments) may be cause for rejection or withdrawal of certification. I further agree to hold the Missouri Workers' Safety Program harmless from any and all liability in the event this application is rejected on the basis of information furnished to the Missouri Workers' Safety Program by me or third persons which would, in the judgment of the Missouri Workers' Safety Program, make me ineligible for certification.

Signature \_\_\_\_\_

Date \_\_\_\_\_

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# Orders of Rulemaking

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Missouri Department of Labor and Industrial Relations  
Division of Workers' Compensation

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## APPLICATION FOR CERTIFICATION FOR SAFETY ENGINEERS AND CONSULTANTS

Pursuant to R.S.Mo. 287.123 and 8 CSR 50-7.060 the following information is required in order to process an application for certification of Safety Engineers and Consultants. If applicant is found qualified for certification the Missouri Workers' Safety Program will provide a letter which states the individual has met the qualification for inclusion on the Registry of Safety Engineers and Consultants.

### PART I: PERSONAL INFORMATION

Application for: Safety Engineer \_\_\_\_\_ Safety Consultant \_\_\_\_\_

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Present Employer \_\_\_\_\_

Title or Position \_\_\_\_\_

Business address \_\_\_\_\_  
(Street) (City) (State) (Zip)

Home Address \_\_\_\_\_  
(Street) (City) (State) (Zip)

Business phone (\_\_\_\_) \_\_\_\_\_ Home phone (\_\_\_\_) \_\_\_\_\_

### PART II: PROFESSIONAL REGISTRATION OR CERTIFICATION

Please check each applicable item. Enclose a copy of current registration or certification. Information is subject to verification by the Missouri Workers' Safety Program.

- |  |                     |                 |
|--|---------------------|-----------------|
| <input type="checkbox"/> Registered Professional Engineer:       | Registration# _____ | State _____     |
| <input type="checkbox"/> Certified Safety Professional           | Certificate# _____  | Issued by _____ |
| <input type="checkbox"/> Certified Industrial Hygienist:         | Certificate# _____  | Issued by _____ |
| <input type="checkbox"/> Certified Occupational Health Nurse     | Certificate# _____  | Issued by _____ |
| <input type="checkbox"/> Certified Occupational Health Physician | Certificate# _____  | Issued by _____ |

### PART III: COLLEGE EDUCATION:

The applicant is responsible for requesting and submitting an authenticated copy of their diploma from each college or university. A copy of certification (s) must also be submitted with the application.

College\University	City and State	Attended From\to	Hours Completed	Major	Degree Eamed
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Check here if the exemption from academic requirements is requested and attach the application for academic requirement exemption.

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**Areas of Study:** The applicant is responsible for requesting a certified transcript from each college or university. The transcript must be received by the Missouri Workers' Safety Program directly from the college or university. List all courses taken in the following areas or other related subjects.

*Environmental Health & Safety / Fire Safety / Safety Program Administration / Industrial Safety / General Occupational Health & Safety / Safety Engineering & Applied Science / Transportation Safety*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### PART IV: OCCUPATIONAL SAFETY AND HEALTH EXPERIENCE

Employers may be contacted to verify information provided. List each position in chronological order beginning with your present position. Account for all occupational safety and health experience in the last three years. Use a separate space for each position. Attach additional sheets if necessary.

Employer \_\_\_\_\_ Address \_\_\_\_\_

Dates of Employment \_\_\_\_\_ Title \_\_\_\_\_ Type of Business or industry \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_

Supervisors name and phone number \_\_\_\_\_

**Description of Experience:** Indicate the percentage of time spent in the following areas:

*Total shall not exceed 100%*

Safety\health administration & management \_\_\_\_\_  
Safety\health training and education \_\_\_\_\_  
Accident investigation and statistical reporting \_\_\_\_\_  
Safety\health program evaluation \_\_\_\_\_  
Safety\health program design \_\_\_\_\_  
Hazard identification \_\_\_\_\_  
Hazard elimination and control \_\_\_\_\_  
Environmental protection \_\_\_\_\_  
None of the above \_\_\_\_\_

For the three areas in which you spend the most time, provide a brief description of your duties and give specific examples.

I certify that the statements above (including any attachments submitted) are accurate to the best of my knowledge. I hereby authorize the Missouri Workers' Safety Program to verify any information submitted. I understand that any falsification of information in the application (or attachments) may be cause for rejection or withdrawal of certification. I further agree to hold the Missouri Workers' Safety Program harmless from any and all liability in the event this application is rejected on the basis of information furnished to the Missouri Workers' Safety Program by me or third persons which would, in the judgment of the Missouri Workers' Safety Program, make me ineligible for certification.

Signature \_\_\_\_\_

Date \_\_\_\_\_

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# Orders of Rulemaking

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Department of Labor and Industrial Relations  
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## ANNUAL CERTIFICATION RENEWAL Safety Engineer/Safety Consultant

Recertification is required annually. You are required to submit proof of one Continuing Education Unit or ten contact hours annually. A certificate or written notice on the organizations letter head is acceptable. The content of the course should be related to occupational safety and health such as Environmental Health and Safety, Safety Program Administration and Management, General Occupational Safety and Health, Transportation Safety, Industrial Safety, Safety Engineering and Applied Science, etc. The Missouri Workers' Safety Program reserves the right to contact the organization to verify the information provided.

### PART I - PERSONAL DATA

Recertification for: Safety Engineer \_\_\_\_\_ Safety Consultant \_\_\_\_\_

Name \_\_\_\_\_ Present Employer \_\_\_\_\_

Business Address \_\_\_\_\_ Home Address \_\_\_\_\_  
(Street) (Street)

\_\_\_\_\_  
(City) (State) (Zip) (City) (State) (Zip)

Business Phone (\_\_\_\_) \_\_\_\_\_ Home Phone (\_\_\_\_) \_\_\_\_\_

Job title - Please check one of the below that best describes your current position.

- |                                      |  |                                   |
|--------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Consultant  | <input type="checkbox"/> Director      | <input type="checkbox"/> Engineer |
| <input type="checkbox"/> Coordinator | <input type="checkbox"/> Administrator | <input type="checkbox"/> Educator |
| <input type="checkbox"/> Supervisor  | <input type="checkbox"/> Manager       |                                   |

### PART II - CERTIFICATIONS AND WORK EXPERIENCE (ATTACH A CURRENT COPY)

Certifications: Check each applicable item:

- |  |                     |                 |
|--|---------------------|-----------------|
| <input type="checkbox"/> Registered Professional Engineer        | Registration# _____ | State _____     |
| <input type="checkbox"/> Certified Safety Professional           | Certificate# _____  | Issued by _____ |
| <input type="checkbox"/> Certified Industrial Hygienist          | Certificate# _____  | Issued by _____ |
| <input type="checkbox"/> Certified Occupational Health Nurse     | Certificate# _____  | Issued by _____ |
| <input type="checkbox"/> Certified Occupational Health Physician | Certificate# _____  | Issued by _____ |

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**Occupational Safety and Health Experience:** Indicate the percentage of time spent in the following areas:  
*Total shall not exceed 100%*

Safety\health administration and management	_____
Safety\health training and education	_____
Accident investigation and statistical reporting	_____
Safety\health program evaluation	_____
Safety\health program design	_____
Hazard identification	_____
Hazard elimination and control	_____
Environmental protection	_____
None of the above	_____

**For the three areas in which you spend the most time, provide a brief description of your duties and give specific examples.**

I certify that the statements above (including any attachments submitted) are accurate to the best of my knowledge. I hereby authorize the Missouri Workers' Safety Program to verify any information submitted. I understand that any falsification of information in the application (or attachments) may be cause for rejection or withdrawal of certification. I further agree to hold the Missouri Workers' Safety Program harmless from any and all liability in the event this application is rejected on the basis of information furnished to the Missouri Workers' Safety Program by me or third persons which would, in the judgment of the Missouri Workers' Safety Program, make me ineligible for certification.

Signature \_\_\_\_\_

Date \_\_\_\_\_

# Orders of Rulemaking

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

8 CSR 50-7.080 is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1785). Those sections with changes are reprinted following the Summary of Comment. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** All comments made and submitted during the comment period were considered. One commenter suggests that a one-half continuing education unit (CEU), or five contact hours is sufficient in order to be CEU certified. The commenter also suggests that a separate requirement for safety training for the construction industry should be established. The department disagrees. The minimum level of the CEU requirement at ten contact hours is necessary to maintain a minimum standard of education in ongoing safety trends. Reducing this requirement would defeat the goal of providing basic minimum standards for certified safety engineers or certified safety consultants. The department will not establish separate criteria for the construction industry. See response to comment to 8 CSR 50-7.060 published in this issue of the *Missouri Register*.

The American Insurance Association commented that the CEU requirement should be consistent in application by recognizing the standards developed by the International Association for Continuing Education and Training (IACET) as the recognized industry standard for continuing education requirements. This would eliminate duplication and administrative burdens for carriers and for the Missouri Workers' Safety Program. The department agrees and amends the rule to require preapproval only for seminars and other programs that wish to offer a CEU credit for its program. The factors that will be considered for approval include certification by the IACET. Additionally, an individual may obtain approval for a CEU credit at an unapproved seminar, either before or after the program, by submitting the appropriate documentation. This will allow persons or individuals on the registry of certified safety

engineers and certified safety consultants to obtain credit at any seminar that provides appropriate safety training. Further, seminars and programs that will provide similar training will be recognized, and, where appropriate, the IACET approval of the program will be recognized for approval in the program.

### 8 CSR 50-7.080 Continuing Education

(3) The course of instruction shall be related to occupational safety and health, and seminar programs that offer CEU credit shall be preapproved by the Missouri Workers' Safety Program. Examples of acceptable areas of instruction are safety management, industrial hygiene, industrial safety, general safety, driver safety, fire safety, aviation safety, transportation safety, occupational safety and health administration, accident and statistical reporting, safety training, safety engineering, system safety analysis, construction safety, legal and ethical issues related to safety, chemical or biological safety or environmental safety.

(4) Certified safety engineers or certified safety consultants that want to obtain CEU credit for an unapproved seminar shall submit a written request to the program manager including the seminar brochure which outlines the seminar program and faculty for approval of the seminar to meet the CEU requirement. The request may be submitted after the seminar has occurred.

[(4)] (5) Correspondence or home study is acceptable; provided, however, the criteria outlined in this rule is satisfied.

**REVISED STATE AGENCY AND PRIVATE ENTITY COST:** Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised costs estimates are not necessary.

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

8 CSR 50-7.090 Grounds for Refusal, Revocation or Suspension of Certification is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1785). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

8 CSR 50-7.100 Public Complaint Handling and Disposition Procedure is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1785, 1786). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

8 CSR 50-7.110 Investigation is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1786). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule

becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**  
**Division 50—Workers' Compensation**  
**Chapter 7—Missouri Workers' Safety Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Labor and Industrial Relations and the director of the Division of Workers' Compensation under sections 287.123 and 287.650, RSMo (Cum. Supp. 1993), the department adopts a rule as follows:

**8 CSR 50-7.120 Denial of Certification is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on August 1, 1994 (19 MoReg 1786—1788). No changes have been made to the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.073, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**10 CSR 10-5.070 is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1665—1668). Those sections with changes are reprinted here. This Proposed Amendment becomes effective January 30, 1995.

**SUMMARY OF COMMENT:** Comments were received from residents of Franklin County, BFI Waste Systems, the Wildlife Society, and the American Lung Association. Comments

were heard in the public hearing from Representative John Griesheimer, Representative Marilyn Edwards, Representative David Klarich, Ray Cunio, Victor Parmentier, Lester Bohle, Gene Scott, Gene Brez, William Diez, Len Enghausser, Bonnie Blackwell, and Stuart Kase. The following is a summary of comments heard and received and the department's findings or response follows each comment. If the department is making a change to the rule as previously proposed based on a comment, the change will be indicated in the department's response.

**COMMENT:** Twenty-nine commenters felt that the Proposed Amendment was an infringement on their personal or property rights.

**RESPONSE:** The department disagrees with the commenters. Open burning generates pollutants and ozone precursors that are transported from a property where open burning takes place. When those ozone precursors travel to areas that already have an ozone problem, they contribute to ozone exceedances.

**COMMENT:** Some commenters said the proposed open burning amendments will create a hardship for farmers who burn their fields off in the early spring.

**RESPONSE:** The department will add specific language to allow the open burning of farm fields. Subsection (3)(E) shall state "Open burning of vegetation for the purpose of weed and pest control or for the purpose of crop production in the course of agricultural operation is permitted. If the burning is conducted between April 15 and September 15 of each calendar year, the person conducting the burning must notify the director in writing at least 48 hours prior to commencement of burning. The notification shall include, but not be limited to, the following: name of the person(s) conducting the burning, description of the burning, phone number, and the duration of burning. The department reserves the right to delay the burning in days when the ambient air level for ozone is high." The department will delete "any agricultural or" from subsection (3)(G).

**COMMENT:** Fifteen commenters felt that farmers need to be able to burn brush piles, and that debris from storms or flooding needs to be burned.

**RESPONSE:** The Proposed Amendment would allow vegetation burning. Yard waste and debris such as tree limbs, etc. from storm damage could be burned without a permit during the non-ozone season.

**COMMENT:** Nine commenters stated that this Proposed Amendment would result in more refuse being landfilled or dumped illegally, and that the landfills are filling up fast and more recycling needs to be done.

**RESPONSE:** The department believes that illegal dumping occurs mostly in counties where trash pickup is not available. If the rule is adopted, and a well managed solid waste system is implemented such as strategic placement of green boxes and roll off containers throughout the effected counties, we will see more unburned recyclable materials in recycling centers and nonrecyclable materials in landfills, and therefore, a decrease in illegal dumping.

**COMMENT:** Ten commenters stated that Franklin County is not responsible for the air quality problems in St. Louis, and that Franklin County should not be regulated in the same manner as St. Louis.

**RESPONSE:** Emissions generated in Franklin County are usually blown east toward St. Louis. They mix with other emissions in the presence of sunlight and react to form ground level ozone.

**COMMENT:** Three commenters were concerned that the Proposed Amendment would be a hardship on people in the area, both in terms of cost and the availability of trash pickup.

**RESPONSE:** The department does not believe that the private cost estimate of \$132 per household per year will impose a hardship on the people. Funds generated by the charge will help expand and provide trash pickup service to residents who currently do not have the service.

**COMMENT:** Seven commenters stated that local fire departments do not have the manpower or the time to enforce this Proposed Amendment.

**RESPONSE:** The department will continue to enforce the open burning rule as amended.

**COMMENT:** Four commenters were opposed to the Proposed Amendment because they thought it would ban wood burning stoves or furnaces.

**RESPONSE:** The Proposed Amendment would not ban wood burning stoves or furnaces. Wood burning stoves are not in operation during the ozone season and they do not contribute to the formation of ground level of ozone.

**COMMENT:** One hundred and ninety-one commenters were opposed to the Proposed Amendment without giving any specific reasons for their opposition.

**RESPONSE:** The open burning amendment reduces volatile organic compounds generated from open burning in an effort to attain the ambient air quality standards for ozone.

**COMMENT:** Two comments were received in favor of the Proposed Amendment. These commenters stated that the hazards presented by open burning substantially outweighed any

# Orders of Rulemaking

benefits from the practice. One commenter suggested that the open burning restrictions be extended statewide.

**RESPONSE:** The department agrees with the commenters. However, the department has no authority to extend the open burning restrictions on residential refuse beyond the ozone nonattainment area.

**COMMENT:** One commenter stated the importance of prescribed burning for conservation and management of wildlife populations and habitats.

**RESPONSE:** The department will continue to allow the prescribed burning under subsection (1)(E). Paragraph (1)(E)4. shall state "Prescribed burning for natural resource management purposes."

**COMMENT:** Two commenters stated that the extension of the burning ban will put a burden upon the community.

**RESPONSE:** The department will change the burning ban duration. Subsection (3)(B) will state "... limited to period beginning September 16 to April 14 of each calendar year."

**COMMENT:** Two commenters stated that there is a conflict between clean air standards and Senate Bill 530 standards which no longer allow disposal of vegetation waste in landfills.

**RESPONSE:** The department does not believe that there is such a conflict. Vegetation waste may be burned after the ozone season or transported to compost sites.

**COMMENT:** One commenter stated that the use of an air curtain destructor for the disposal of agriculture vegetation waste and timber is not practical or economically feasible.

**RESPONSE:** The open burning of vegetation is allowed after the ozone season, subsection (3)(B) shall state the following, "Effective April 15, 1995, the open burning of tree or residential brush or any type of vegetation is limited to the period beginning September 16 and ending April 14 of each calendar year."

**COMMENT:** One commenter stated that the open burning rule is supposed to be part of the Missouri Department of Natural Resources' contingency measure for 1996.

**RESPONSE:** Originally the open burning rule was part of the contingency plan for 1996. At that time the department was planning that reformulated gasoline would contribute significantly to the 15 percent plan now other sources of emission reductions including the open burning restrictions must be used.

**COMMENT:** One commenter stated that people in the rural and farming communities do a considerable amount of meat processing and butchering, which requires a large amount of hot water. The hot water is heated outside in kettles and containers over an open fire.

**RESPONSE:** Paragraph (1)(E)1. of the open burning rule allows the use of fires for the non-commercial preparation of food.

**COMMENT:** One commenter asked if there is any proof to show the air quality has improved as a result of previous burning bans.

**RESPONSE:** Open burning produces VOC and oxides of nitrogen (NOx). These two pollutants in the presence of sunlight react to form ground level ozone. The open burning amendment, if adopted, will reduce the amount of VOC and NOx emitted in the ambient air. Air quality is dependent on a complex set of elements including weather conditions, private vehicle use and industrial emissions. It is not possible to link the effect of a specific source of VOC to the ozone level in the entire nonattainment area.

**COMMENT:** One commenter asked to delay the ban on open burning.

**RESPONSE:** The department must meet the 15 percent reduction by November 15, 1996. The department will be able to change the effective date from April 1, 1995 to April 15, 1996. Subsection (3)(A) shall state, "Effective April 15, 1996, open burning of household refuse shall be a violation of this rule in the entire St. Louis nonattainment area."

## 10 CSR 10-5.070 Open Burning Restrictions

### (1) Open Burning Restrictions.

(B) All open burning of leaves, brush, or other vegetation shall be prohibited except [as provided for in this rule] in areas outside of incorporated municipalities.

(E) This regulation shall not apply to the following:

1. Fires used for recreational purposes or fires used for the noncommercial preparation of food, such as barbecuing;

2. Flares burning for the combustion of gaseous trade waste; [and]

3. Fires set for the purpose of training firefighters or industrial employees in fire fighting methods if the director is notified in writing twenty-four (24) hours prior to the fire training. Fire training for industrial employees shall be permitted by the fire department having jurisdiction. In the case of a local fire department accepting buildings for purposes of fire training, it is the responsibility of that fire department to assure all asbestos containing products or materials or petroleum based products or materials such as asphalt shingles and floor or ceiling tiles are removed prior to fire training [.] ; and

4. A prescribed burning for natural resource management purposes.

### (3) Other Restrictions and Provisions.

(A) Effective April 15, 199 [5] 6, open burning of household refuse shall be a violation of this rule in the entire St. Louis ozone nonattainment area.

(B) Effective April 15, 199 [5] 6, the open burning of tree leaves or residential brush or any other type of vegetation is limited to the period beginning [October 31] September 16 and ending [March 31] April 14 of each calendar year.

(C) Piled material to be open burned under subsection (3)(B) shall be limited to a total base area not to exceed [four (4) square yards] sixteen (16) square feet.

(E) Open burning of vegetation for the purpose of weed and pest control or for the purpose of crop production in the course of agricultural operation is permitted. If the burning is conducted between April 15 and September 15 of each calendar year, the person conducting the burning must notify the director in writing at least forty-eight (48) hours prior to commencement of burning. The notification shall include, but not be limited to, the following: name of the person(s) conducting the burning, description of the burning, phone number, and the duration of burning. The department reserves the right to delay the burning in days when the ambient air level for ozone is high.

[(E)] (F) An open burning permit may be issued by the director on yearly basis for open burning of vegetation at a solid waste processing or disposal facility provided that an air curtain destructor is utilized. The open burning permit shall not be in lieu of obtaining a construction permit, as applicable, under 10 CSR 10-6.060.

[(F)] (G) Open burning of vegetation grown on the premises undergoing [any agricultural or] land clearing operations may be permitted under conditions established by the director.

[(G)] (H) Any person intending to dispose of vegetation by open burning under subsection [s] (3) [(E)] (F) or [(F)] (G) shall file a written request with the director. The director will evaluate the request for air quality impact to determine whether the request should be granted. The request shall state the following:

1. The name, address and telephone number of the person submitting the request;

2. The type of business or activity involved;

3. A description of the proposed open burning operations, including the type, quantity and composition of vegetation to be burned;

4. The schedule of burning operations;

5. The exact location where open burning will be conducted to dispose of vegetation;

6. Reasons why no method other than open burning can be used for disposal of vegetation; and

7. Evidence that the proposed open burning has been approved by a fire department which has jurisdiction. Upon approval of the request by the director, the person may proceed with the operation without being in violation of subsection [s] (3) [(E)] (F) or [(F)] (G).

*REVISED STATE AGENCY COST: The state agency's cost were revised to more accurately reflect the difficult enforcement requirements of this rule. See attached revised fiscal note. FY95 cost is \$52,891. FY96 cost is \$89,526. The anticipated total aggregate yearly cost is \$89,526 projected to continue indefinitely.*

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## REVISED FISCAL NOTE STATE AGENCY COST

Proposed Amendment 10 CSR 10-5.070 Open Burning Restrictions

Prepared November 10, 1994 by the Air Pollution Control Program for the Missouri Air Conservation Commission.

Affected Agencies: Missouri Department of Natural Resources' Air Pollution Control Program and St. Louis Regional Office.

### EXPENDITURES:

	Remainder of Fiscal Year (FY 1995)	First Full Fiscal Year (FY 1996)
MO Department of Natural Resources		
APCP Personal Service	\$13,554	\$27,108
APCP Expense and Equipment	3,100	6,200
Fringe	3,728	7,455
Advertising & Public Relation Expense	\$ 5,300	\$ 8,000
ROP Personal Service	13,554	27,108
ROP Expense and Equipment	6,200	6,200
Fringe	7,455	7,455
	\$52,891	\$89,526

### ASSUMPTIONS:

1 ES II will be located in APCP and 1 ESII will be located in the St. Louis Regional Office.

Anticipated Total Aggregate Yearly Cost \$89,526 (projected to continue indefinitely).

REDUCTION IN FUNDS: No reduction in funds is anticipated as a result of this amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 24—Hazardous Substance Emergency Response Office**  
**Chapter 1—General Organization**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Natural Resources under section 260.520, RSMo (Cum. Supp. 1993), the department amends a rule as follows:

**10 CSR 24-1.010 Organization is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on July 1, 1994 (19 MoReg 1532, 1533). No changes have been made to the text of the Proposed Amendment, so it is not reprinted here. This amendment was proposed in order to be consistent with the department's remaining authority following the transfer of section 292.613, RSMo to the Department of Public Safety. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 24—Hazardous Substance Emergency Response Office**  
**Chapter 2—Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Natural Resources under section 260.520, RSMo (Cum. Supp. 1993), the department amends a rule as follows:

**10 CSR 24-2.010 is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on July 1, 1994 (19 MoReg 1533—1535). This amendment was proposed in order to be consistent with the department's remaining authority following the transfer of section 292.613, RSMo to the Department of Public Safety. Those sections with changes are reprinted following the Summary of Comment. The remainder of the amendment is amended as proposed. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: All comments made at the public hearing, or submitted during the comment period, were considered.

One commenter from the Department of Public Safety suggested that "federal" be added as an adjective preceding "Emergency Planning and Community Right-to-Know Act of 1986." This change has been made in the two places it appears in this rule.

**10 CSR 24-2.010 Definitions**

(7) Hazardous substance—any substance or mixture of substances that presents a danger to the public health or safety or the environment and includes:

(B) Any element, compound, mixture, solution, or substance designated pursuant to sections 101(14) and 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 or designated pursuant to section 304 of the federal Emergency Planning and Community Right-to-Know Act of 1986; and

(8) Hazardous substance emergency and emergency involving a hazardous substance—

(A) Any release of hazardous substances or extremely hazardous substances in quantities equal to or in excess of those determined pursuant to section 101(14) or 102 of the CERCLA of 1980 or section 304 of the federal Emergency Planning and Community Right-to-Know Act of 1986;

*REVISED STATE AGENCY AND PRIVATE ENTITY COSTS: Since changes made in the Proposed Amendment do not alter the cost estimates by more than ten percent, revised cost estimates are not necessary.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 24—Hazardous Substance Emergency Response Office**  
**Chapter 3—Emergency Notification Procedures**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Natural Resources under section 260.520, RSMo (Cum. Supp. 1993), the department amends a rule as follows:

**10 CSR 24-3.010 Notification Procedures for Hazardous Substance Emergencies and for Emergency Notification of Releases of Hazardous Substances and Extremely Hazardous Substances is amended.**

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on July 1, 1994 (19 MoReg 1535, 1536). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This amendment was proposed in order to be

consistent with the department's remaining authority following the transfer of section 292.613, RSMo to the Department of Public Safety. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 24—Hazardous Substance Emergency Response Office**  
**Chapter 4—Reporting Procedures**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Natural Resources under section 260.520, RSMo (Cum. Supp. 1993), the department rescinds a rule as follows:

**10 CSR 24-4.010 Reporting Procedures Under the State and Federal Emergency Planning and Community Right-to-Know Acts (EPCRA) is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on July 1, 1994 (19 MoReg 1536). No changes were made in the text of the Proposed Rescission, so it is not reprinted here. This rescission was proposed in order to be consistent with the department's remaining authority following the transfer of section 292.613, RSMo to the Department of Public Safety. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 24—Hazardous Substance Emergency Response Office**  
**Chapter 5—Hazardous Chemical Fees**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Natural Resources under section 260.520, (Cum. Supp. 1993), RSMo the department rescinds a rule as follows:

**10 CSR 24-5.010 Hazardous Chemical Fees is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on July 1, 1994 (19 MoReg 1536—1538). No changes have

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been made to the text of the Proposed Rescission so it is not reprinted here. This rescission was proposed in order to be consistent with the department's remaining authority following the transfer of section 292.613, RSMo to the Department of Public Safety. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.020 Advertising is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1673). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: A total of four responses were received in which all expressed opposition to the restrictions placed on the advertising of bingo in the rule. Because the advertising restrictions are contained in Chapter 313, RSMo and in Article III, Section 39(a) of the *Missouri Constitution*, the comments resulted in no change to the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.030 Special Bingo Game is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1673). No changes have been

made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.040 Occasion is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1673). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.050 Gross Receipts is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1673, 1674). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.060 Operator(s) is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1674). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.070 Regular Bingo License is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1674). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: One comment was received in opposition to the rule which restricts the number of days bingo can be played by the same organization during a week. Because the restriction to the number of days the same organization can play bingo during a week is contained in section 313.040(7), RSMo, the comment resulted in no change to the Proposed Rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

### ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.080** Special Bingo License is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1674, 1675). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

### ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.090** Additional Information is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1675). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

### ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.100** Denial of Application or License Renewal is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1675). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

### ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.130** Member(s) in Charge is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1675, 1676). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: One comment was received in opposition to the two-year restriction in the rule before a member of the organization can be in charge of the game. Because the two-year restriction is contained in section 313.040(2), RSMo and Article III, Section 39(a) of the *Missouri Constitution*, the comment resulted in no change to the Proposed Rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

### ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.140** Worker—Player is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1676). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

### ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.145** Premises Required to be Open for Inspection is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1676). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

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**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.150** Information to be Posted is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1676). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.160** Equipment is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1676, 1677). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.170** Records Required is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1677). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.180** is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1677). One change has been made in the text of the Proposed Rule, and it is reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** One comment was received. The commenter stated the language in the Proposed Rule was unclear unless there exists a definition of apparatus in the bingo statutes. Since the bingo statutes contain a definition of equipment in section 313.005(3), RSMo, in an effort to clarify the rule, the Proposed Rule is amended by inserting the word equipment and deleting apparatus which complies with the intent of the Proposed Rule.

**11 CSR 45-30.180** Inventory and Ownership of Bingo [Apparatus] Equipment

(1) Accurate records must be maintained indicating the quantity and ownership of all [apparatus] equipment used directly in the conduct of bingo. Owner's name must be indicated on the equipment.

**REVISED STATE AGENCY AND PRIVATE ENTITY COSTS:** Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised cost estimates are not necessary.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.190** Rules of Play is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1677). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.200** Merchandise Prizes is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1678). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.210 Reports is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1678). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.220 Bank Account is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1678). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.225 Change of Day and/or Time of Bingo Occasion is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1678, 1679). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** One comment was received in opposition to the Proposed Rule requiring approval from the commission prior to an organization changing the day and/or time it plays bingo. In order to ensure organizations comply with section 313.040(7), RSMo, which limits the number of times per week an organization can play bingo, the comment has resulted in no change to the Proposed Rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.235 Reasonable Market Rental for Leased Premises is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1679). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** One comment was received in opposition to the Proposed Rule allowing the commission to require documentation to substantiate the rental rate. Because section 313.025(1), RSMo requires the commission to ensure the rent does not exceed the reasonable market rental rate, the comment resulted in no change to the Proposed Rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.240 Leased Locations is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2059). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** A total of nine responses were received. Seven responses disapproved of allowing more than four games to be played at one location during the same week. Two responses approved of the proposed five nights per week. Because the number of days per week that can be played at the same location has to be set by the commission, the comments to the Proposed Rule resulted in no changes to the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.250 Subsidiary Body—Application for License is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1679). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

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# Orders of Rulemaking

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**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.260 Participation of Workers—Restricted is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1679, 1880). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** One comment was received in opposition to the Proposed Rule restricting a lessor from working a bingo game at the location s/he leases. Because a lessor is prohibited from working a bingo game at a leased location in section 313.057.1., RSMo the comment resulted in no change to the Proposed Rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.270 All Gambling and Gambling Devices Prohibited is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1680). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** One comment was received in opposition to the Proposed Rule restricting gambling devices on the bingo premises. Because of the requirement of the commission to restrict gambling activity from bingo premises contained in section 313.035,

RSMo, the comment resulted in no change to the Proposed Rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.280 Net Receipts from Bingo is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1680). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** One comment was received regarding the commingling of funds. Commingling of funds between the bingo account and the general fund is prohibited and this issue is further addressed in 11 CSR 45-30.220. Because this issue is addressed in another rule, the comment resulted in no change to the Proposed Rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.290 Co-Ownership of Bingo Equipment is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1680, 1681). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** One comment was received regarding comingling of paper and joint ownership of equipment. Comingling

of paper will be addressed in a future rule prior to January 1, 1995. Co-ownership of equipment is allowed in section 313.010(10), RSMo, the comment resulted in no change to the Proposed Rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.300 Equipment Leases, Reasonably Market Rental Rate is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1681). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** One comment was received in opposition to the reasonably market rental rate for equipment. Because section 313.025.1., RSMo requires the commission to monitor the reasonably market rental rate, the comment resulted in no change to the Proposed Rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.335 Participation of Auxiliary, Post or Organization Members in Licensee's Bingo Games is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1681). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.340 Participation of Full-Time Employee, Full-Time Staff Member or Ordained Member of Clergy is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1681, 1882). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.350 Pull-Tab Cards Sold in Conjunction with a Licensed Bingo Game is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1682). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.355 Sale of Pull-Tab Cards by Bingo Licensees is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1682). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: Two comments were received regarding the time restrictions in the rule regarding when pull tabs can be played. Because section 313.040(5), RSMo restricts when pull tabs can be played, which sense is limited to, only in conjunction with a bingo game, the comments resulted in no change to the Proposed Rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.360 Unit Container/Box of Pull-tab Cards Sold, Total Gross Receipts Restricted and Gross Receipts Tax Due is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1682, 1683). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: One comment was received in opposition to section (2), which limits the number of pull tabs in a unit container to 2,400. This limit will be revised January 1, 1995, with the other changes to the

bingo statutes effective on this date pursuant to Senate Bill 427, the comment has resulted in no changes to the Proposed Rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

**11 CSR 45-30.480 is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1683). One additional section has been added to the text of the Proposed Rule, so it is reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: One comment was received regarding the lack of a penalty statement in the rule, if the entities identified in the rule are found to be in violation of the requirements/restrictions in the Proposed Rule. As a result, one new section was added to the Proposed Rule.

**11 CSR 45-30.480 Package Deals and Tying Arrangements Prohibited**

**(5) The commission shall have the right to revoke or deny any license issued under Chapter 313, RSMo for any other violations of sections (1)—(4).**

*REVISED STATE AGENCY AND PRIVATE ENTITY COSTS: Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised cost estimates are not necessary.*

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

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# Orders of Rulemaking

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11 CSR 45-30.500 Bingo on Military Installations is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1683). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

11 CSR 45-30.515 Organization *Bona Fide* Member Definition is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1684). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo (Cum. Supp. 1993), the commission adopts a rule as follows:

11 CSR 45-30.520 Waiver of Requirements is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1684). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule

becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

12 CSR 10-12.010 Rules is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2059). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

12 CSR 10-12.020 Advertising is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2059). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

12 CSR 10-12.030 Special Bingo Game is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2059, 2060). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

12 CSR 10-12.040 Occasion is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2060). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

12 CSR 10-12.050 Gross Receipts is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2060). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.060 Operator(s) is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2060). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.070 Regular Bingo License is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2060, 2061). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.080 Special Bingo License is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2061). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.090 Additional Information is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2061). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.095 Number of Bingo Days is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2061). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.100 Denial of Application or License Renewal is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2061, 2062). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.110 License Expiration and Annual Report is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2062). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

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## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.120 License Fee is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2062). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.130 Member(s) in Charge is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2062). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.140 Worker-Player is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2062, 2063). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.145 Premises Required to be Open for Inspection is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2063). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.150 Information to be Posted is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2063). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.160 Equipment is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2063). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.170 Records Required is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2063, 2064). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 12—Bingo Tax

### ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.180 Inventory and Ownership of Bingo Apparatus is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2064). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.190 Rules of Play is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2064). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.200 Merchandise Prizes is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2064). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-2.210 Reports is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2064, 2065). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.220 Bank Account is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2065). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.225 Change of Day and/or Time of Bingo Occasion is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2065). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.230 Premises Defined is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2065). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.235 Reasonable Market Rental for Leased Premises is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2065, 2066). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

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**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.240 Leased Premises is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2066). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.245 Concessions or Concession Operators is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2066). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.250 Subsidiary Body—Application for License is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2066, 2067). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.255 Bingo in Conjunction with Lottery is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2067). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.260 Participation of Workers—Restricted is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2067). No changes have

been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.270 All Gambling and Gambling Devices Prohibited is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2067). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.280 Net Receipts from Bingo is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2067, 2068). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.290** Co-ownership of Bingo Equipment is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2068). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.300** Equipment Leases, Reasonable Market Rental Rate is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2068). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.320** Bingo Supplies is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2068). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.330** Security is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2068, 2069). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.335** Participation of Auxiliary, Post or Organization Members in Licensee's Bingo Games is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2069). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.340** Participation of Full-time Employee, Full-time Staff Member or Ordained Member of Clergy is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2069). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.350** Pull-tab Cards Sold in Conjunction with Licensed Bingo Game is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2069). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

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**12 CSR 10-12.355 Sale of Pull-Tab Cards by Bingo Licensees is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2069, 2070). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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## ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.360 Unit Container/Box of Pull-tab Cards Sold, Total Gross Receipts Restricted and Gross Receipts Tax Due is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2070). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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## ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.370 Member Defined for Purposes of Quarterly Reporting is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2070). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed

Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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## ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.380 Bingo Licensees Restricted to Purchase/Lease from Licensed Distributor and/or Manufacturer is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2070). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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## ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.390 Manufacturer Defined is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2070, 2071). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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## ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.400 Distributor or Manufacturer Exclusion is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2071). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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## ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.410 Manufacturer or Distributor Required to Make Application is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2071). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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## ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.420 Sales Representatives**

Required to Procure Distributor's License is rescinded.

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2071, 2072). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.430 Bingo Licensees—Distributors is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2072). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.440 Distributor or Manufacturer to Purchase Pull-tab Tax Stamp is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2072). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.450 Records Required—Distributor and/or Manufacturer is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2072). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.460 Description and Certified Price List of Bingo Supplies and/or Equipment is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2072, 2073). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.470 Manufacturers or Distributors to Notify Director of Revenue of Change in Status is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2073). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.480 Package Deals and Tying Arrangements Prohibited is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2073). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.490 Reasonable Price of Cards is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2073). No changes have

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been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.500 Bingo on Military Installations is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2073, 2074). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
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Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the Director of Revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.510 Disclosure of Certain Bingo Records and Confidentiality of Closed Records is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2074). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 12—Bingo Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 313.065, RSMo (Cum. Supp. 1993), the director rescinds a rule as follows:

**12 CSR 10-12.515 Organization Bona Fide Member Definition is rescinded.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rescission was published in the *Missouri Register* on September 1, 1994 (19 MoReg 2074). No changes have been made in the text of the Proposed Rescission, so it is not reprinted here. This Proposed Rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 13—DEPARTMENT OF SOCIAL  
SERVICES  
Division 70—Division of Medical  
Services  
Chapter 97—Health Insurance Premium  
Payment (HIPP) Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.153 and 208.201, RSMo (Cum. Supp. 1993) the director hereby adopts a rule as follows:

**13 CSR 70-97.010 Health Insurance Premium Payment (HIPP) Program is adopted.**

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1684—1698). No changes have been made in the text of the Proposed Rule, so it is not reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENT:** No comments were received.

**Title 13—DEPARTMENT OF SOCIAL  
SERVICES  
Division 73—Missouri [State] Board of  
Nursing Home Administrators  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Nursing Home Administrators under section 344.070, RSMo (Cum. Supp. 1993), the board hereby amends a rule as follows:

**13 CSR 73-2.031 Prescribed Course of Instruction and Training is amended.**

A Notice of Proposed Rulemaking containing the text of this Proposed Amendment was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1699, 1700). No changes have been made to the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective February 1, 1995.

**SUMMARY OF COMMENT:** No written comments were received. No public hearings were held.

**Title 13—DEPARTMENT OF SOCIAL  
SERVICES  
Division 73—Missouri [State] Board of  
Nursing Home Administrators  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Nursing Home Administrators under section 344.070, RSMo (Cum. Supp. 1993), the board hereby amends a rule as follows:

**13 CSR 73-2.050 Renewal of Licenses is amended.**

A Notice of Proposed Rulemaking containing the text of this Proposed Amendment was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1701). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective February 1, 1995.

**SUMMARY OF COMMENT:** No written comments were received. No public hearings were held.

**Title 13—DEPARTMENT OF SOCIAL  
SERVICES  
Division 73—Missouri [State] Board of  
Nursing Home Administrators  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Nursing Home Administrators under section 344.070, RSMo (Cum. Supp. 1993), the board hereby amends a rule as follows:

**13 CSR 73-2.055 Renewal of Expired License is amended.**

A Notice of Proposed Rulemaking containing the text of this Proposed Amendment was published in the *Missouri Register* on July 18, 1994 (19 MoReg 1701). No changes have been made in the text of the Proposed Amendment, so it is not reprinted here. This Proposed Amendment becomes effective February 1, 1995.

**SUMMARY OF COMMENT:** No written comments were received. No public hearings were held.

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# In Addition

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Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 140—Division of Finance  
Chapter 18—*Associations'*  
Administrative Procedures

IN ADDITION

The title of Chapter 18 appears in the *Code of State Regulations* as Administrative Procedures. The title will now read Associations' Administrative Procedures.

Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 140—Division of Finance  
Chapter 20—*Association Loans*

IN ADDITION

The title of Chapter 20 appears in the *Code of State Regulations* as Loans. The title will now read Association Loans.

Missouri

# Register

BEFORE THE  
DIVISION OF ENERGY  
MISSOURI DEPARTMENT OF NATURAL RESOURCES  
STATE OF MISSOURI

IN THE MATTER OF MISSOURI PROPANE EDUCATION  
AND RESEARCH REFERENDUM

SECTION 414.530, RSMo.

ORDER

Comes now the Director, Division of Energy, Department of Natural Resources, and states as follows:

1. Pursuant to § 414.530, RSMo, the Director, Division of Energy, Department of Natural Resources, (the Director), conducted a referendum among producers and Missouri retail marketers of propane to authorize the creation of the Missouri Propane Education and Research Council (the Council) and the levying of an assessment on odorized propane to fund the work of the Council.

2. Two-thirds of the persons representing the total gallonage of odorized propane voted in the retail marketer class and two-thirds of all propane voted in the producer class approved the creation of the Council and the levying of an assessment on odorized propane.

IT IS HEREBY ORDERED that the Missouri Propane Education and Research Council is created and that the Council may levy an assessment on odorized propane as set forth in § 414.500, et seq., RSMo. Further, the Director hereby calls for nominations to the Council from qualified industry organizations.

DATE 11/15/94

W. J. Baker  
Director  
Division of Energy  
Department of Natural Resources

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# Bid Openings

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**OFFICE OF ADMINISTRATION**  
**Division of Purchasing**  
**BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (314) 751-2387 at 2:00 P.M. on dates specified below for various agencies throughout Missouri. Prospective bidders may receive specifications upon request.

B500505 Temporary Services—Light Industrial 12/15/94;  
B500792 Color and Black/White Film 12/15/94;  
B500467 Pest Control Services 12/16/94;  
B500707 Janitorial Services-DSS-Scott Co. 12/16/94;  
B500793 Silver Gray Twist Twill 12/16/94;  
B500698 Bakery Products 12/19/94;  
B500699 Bakery Products—WMCC 12/19/94;  
B500798 Commercial Van Chassis 12/19/94;  
B500765 Computer Support Services 12/20/94;  
B500781 Dairy Products—PCC 12/20/94;  
B500736 QA Tracking/Routing Software 12/21/94;  
B500790 Aircraft Avionics 12/21/94;  
B500802 Psychological Evaluation Services 12/21/94;  
B500804 Consultant Psychologist 12/21/94;  
B500808 Reagents 12/21/94;  
B500813 Meats—Supplement 12/21/94;  
B500818 Media Culture Plates 12/21/94;  
B500850 Automobile and Station Wagons 12/21/94;  
B500590 Bakery Products 12/22/94;  
B500599 Bakery Products—Various Locations—DOC 12/22/94;  
B500753 Unclaimed Property Custodial Services 12/22/94;  
B500778 Print: Highway Map 12/22/94;  
B500816 Cargo Van 12/22/94;  
B500817 Grocery Supplement—3rd Quarter 12/22/94;  
B500820 Water Treatment Services 12/22/94;  
B500821 Counters and Cabinets 12/22/94;  
B500822 Wildlife Management MO Landowner 12/22/94;  
B500823 Print: Atlas of MO Conservation Lands 12/22/94;  
B500598 Bakery Products—BCC 12/23/94;  
B500692 Auditing Services 12/23/94;  
B500758 Soil & Water Conservation Dist. Audits 12/23/94;  
B500814 Sign Material Sheeting 12/23/94;  
B500828 Trash & Recycling Services 12/23/94;  
B500832 Print: Turkey Hunting Information 12/27/94;  
B500833 Bumper Stickers: State Parks 12/27/94;

B500835 DARE Supplies 12/27/94;  
B500837 Annual Surveyor Conference Site—Central MO 12/27/94;  
B500838 Xerographic Paper 12/27/94;  
B500840 Radio Mounting Systems 12/27/94;  
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B500861 Van 12/29/94;  
B500862 Spotlights 12/29/94;  
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B500806 Fresh Fruits & Veg.—February 1/3/95;  
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B500854 Asbestos Monitoring & Analysis—Region 1 1/5/95;  
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Joyce Murphy, CPPO,  
Director of Purchasing

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