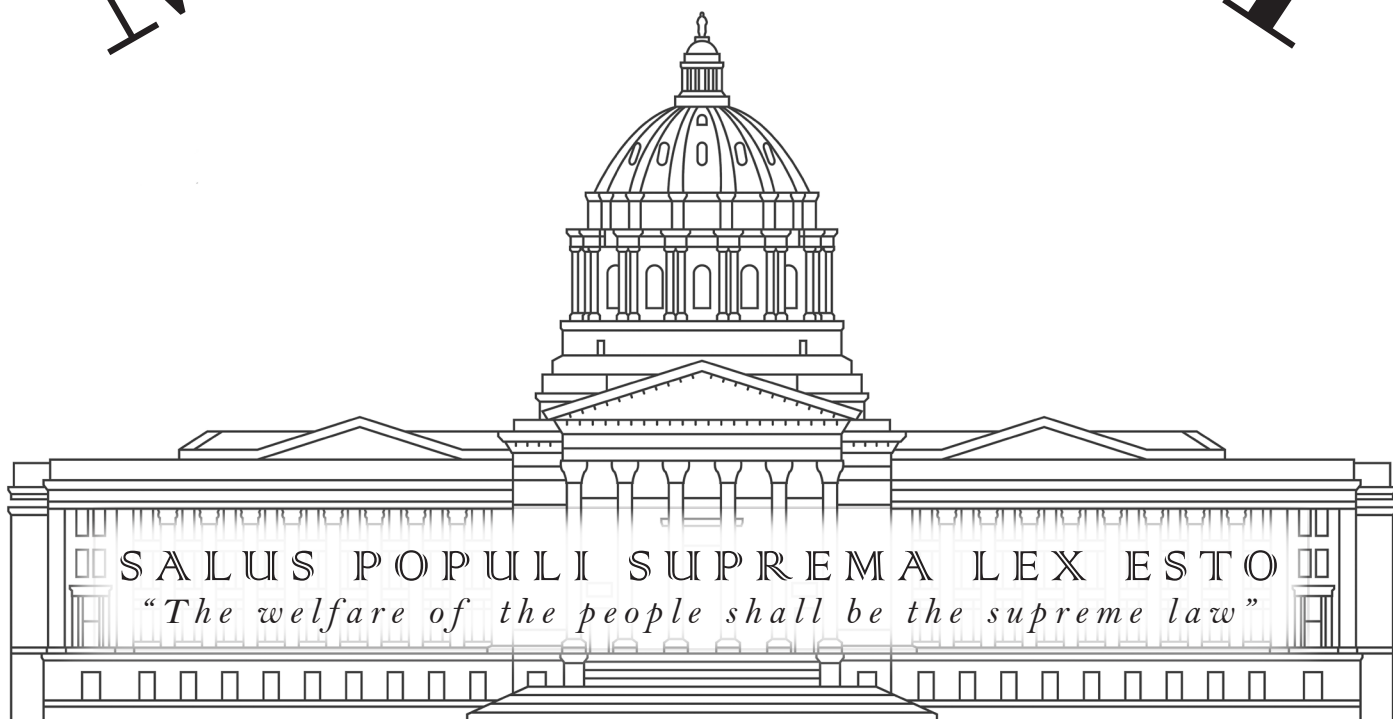


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January 15, 2025

MISSOURI



REGISTER

Denny Hoskins  Secretary of State

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MISSOURI



REGISTER

January 15, 2025

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

HOW TO CITE RULES AND RSMO

RULES

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

Title	CSR	Division	Chapter	Rule
3 Department	<i>Code of State Regulations</i>	10- Agency division	4 General area regulated	115 Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

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 subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

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

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

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

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60 – Highway Safety and Traffic Division Chapter 2 – Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

EMERGENCY AMENDMENT

7 CSR 60-2.010 Definitions. The Missouri Highways and Transportation Commission is amending paragraph (1)(A)41.

PURPOSE: This emergency amendment changes the definition of a “temporary lockout” of an ignition interlock device so that it occurs when there are two (2) failed attempts to blow a pure breath sample within a ten (10) minute period, a reduction from the currently required three (3) failed attempts.

EMERGENCY AMENDMENT: This emergency amendment corrects an inconsistency in which the definition of “temporary lockout” of an ignition interlock device in this rule that currently requires three (3) failed attempts to blow a pure breath sample within a ten (10) minute period, is contrary to a “temporary lockout” of a motor vehicle that shall occur under Title 7, **Code of State Regulations** (CSR) 60-2.030(1)(C)2, when there are only two (2) failed breath sample tests. The latest amendments to this rule and 7 CSR 60-2.030(1)(C)2 became effective on August 30, 2024, and the inconsistencies between both rules’ “temporary

lockout” provisions were discovered a few weeks before these rules’ effective date.

When the need for an amended rule was determined, Missouri Department of Transportation (MoDOT) staff began its internal rulemaking development process, a process that was created by policy of the Missouri Highways and Transportation Commission (hereinafter, Commission). The policy is to ensure there is a need for, and determine the impact of, such rulemaking. The process is time-consuming as it requires MoDOT staff to contact potentially affected external stakeholders and state agencies to ensure they are aware of and understand the proposed rulemaking’s impact. MoDOT staff contacted five ignition interlock manufacturers and staff of the Missouri Department of Revenue, who reviewed and agreed to the proposed rulemaking changes. And even after reaching external stakeholder consensus, the Commission’s rulemaking process then requires senior MoDOT staff to understand and agree to the proposed rulemaking before it is finally taken to the Commission for its approval to commence the statutory process for the proposed rulemaking. This process takes significant time.

Section 302.458, RSMo, requires the Missouri Highways and Transportation Commission (Commission) to certify ignition interlock devices and directs the Commission to adopt rules for the proper use of such devices in consultation with the National Highway Traffic Safety Administration. An ignition interlock device is a breath testing device installed in a motor vehicle that prevents the motor vehicle from continued operation if breath test results show a breath alcohol concentration that meets or exceeds the alcohol setpoint established in the rule at twenty-five thousandths (.025). The device also requires the driver to continue to pass repeated breath tests while the vehicle is running to ensure that the driver remains below the alcohol setpoint.

The Commission and Missouri Department of Transportation (MoDOT) find that this emergency amendment is necessary to preserve a compelling governmental interest, namely, that with 7 CSR 60-2.010(1)(A)41 allowing three (3) failed breath sample tests before a temporary lockout of the motor vehicle is triggered, and 7 CSR 60-2.030(1)(C)2 allowing only two (2) failed attempts before triggering a temporary lockout, this results in the failure to consistently impose temporary lockouts of motor vehicles after two (2) failed breath tests by an operator-client that has an ignition interlock device. And because 7 CSR 60-2.030(1)(C)5 requires an ignition interlock manufacturer to report two (2) temporary lockout occurrences in a thirty-day period, an operator-client that would have otherwise violated the terms of 7 CSR 60-2.030(1)(C)2 with two(2) failed breath test attempts may not be reported by the device manufacturer as the device is set to only report when three (3) failed attempts are provided.

The Commission and MoDOT’s compelling governmental interest is to assure that operator-clients are locked out of their motor vehicles when such clients submit two (2) failed breath tests as required in current rule 7 CSR 60-2.030(1)(C)2 and that such failures are timely reported by the manufacturer when two such lockouts occur within a thirty (30) day period. If an operator-client would have otherwise been subject to a temporary lockout due to the submission of two (2) failed breath tests to an ignition interlock device as required in current rule 7 CSR 60-2.030(1)(C)2, but such temporary lockout does not occur because the ignition interlock device only recognizes a lockout when there are three (3) failed breath tests as required in the current definition of a “temporary lockout” in 7 CSR 60-2.010(1)(A)41, this would pose an immediate danger to the public health, safety, and welfare to other Missouri citizen drivers in the event the operator is impaired but still allowed to operate the motor vehicle and becomes involved in a motor vehicle crash. This immediate danger requires the promulgation of this emergency rule.

The emergency rule is best calculated to assure fairness to all interested parties, including manufacturers, who will have consistent requirements to program their devices to trigger a temporary lockout when there are two(2) failed breath tests, and to operator-clients, who will be consistently prohibited from submitting more than one failed breath test before their motor vehicle is subjected to a temporary lockout, and to Missouri citizens who will be protected from impaired operators that are not locked out from operating their motor vehicles after submitting more than one (1) failed breath test. This emergency rule would also avoid potential unnecessary and expensive litigation of legal claims by both manufacturers and operator-clients over the inconsistent temporary lockout provisions. The emergency amendment addresses these immediate harms to Missouri citizens, ignition interlock manufacturers, and operator-clients by ensuring consistent application of the temporary lockout provisions to occur when there are two (2) failed breath test attempts within a ten (10) minute period and including the reporting of two temporary lockouts in a thirty-(30)-day period.

*The emergency amendment is limited solely to correcting the inconsistencies in defining what constitutes a “temporary lockout” in both 7 CSR 60-2.010(1)(A)41 and 7 CSR 60-2.030(1)(C)2. Since the amended rules became effective on August 30, 2024, the Commission and MoDOT have not documented any instances that have shown a detrimental impact attributed to the inconsistencies. But because of the potential for immediate harm the afore-mentioned inconsistencies would pose to the public health, safety, and welfare to other Missouri citizen drivers in the event an operator is impaired but still allowed to operate a motor vehicle and becomes involved in a motor vehicle crash due to such operator not being temporarily locked out of such vehicle due to two (2) failed breath tests, this emergency amendment is necessary. A proposed, permanent amendment to this rule, which covers the same material, will also be published in the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The Commission and MoDOT believe this emergency amendment to be fair to all interested parties under the circumstances. The emergency amendment was filed December 6, 2024, becomes effective January 1, 2025, and expires June 29, 2025.*

(1) Definitions.

(A) The following words and terms as used in 7 CSR 60-2.010 through 7 CSR 60-2.060 have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set for the running retest;
2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device prevents the vehicle from starting;
3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;
4. Authorized service provider (ASP)—The entity designated by the manufacturer to provide services to include but not be limited to installation, monitoring, maintenance, and removal of the breath alcohol ignition interlock device;
5. Bogus breath sample—Any sample other than an unaltered, undiluted, and unfiltered alveolar air sample from a driver;
6. Breath alcohol concentration (BrAC)—The amount of alcohol in a given amount of breath, expressed in weight per volume (% weight/volume) based on grams of alcohol per two hundred ten (210) liters of breath;
7. Breath alcohol ignition interlock device (BAIID)—A

breath testing device, including all parts necessary for operation, e.g., handset and camera, installed in a vehicle that prevents it from operating if breath test results show a BrAC that meets or exceeds the alcohol setpoint. The device also requires the driver to continue to pass repeated breath tests while the vehicle is running to ensure that the driver remains below the alcohol setpoint. However, the interlock device will not interfere with the normal operation of the vehicle while it is in use;

8. Breath—Expired human breath containing primarily alveolar air;

9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Camera—A feature of the device that incorporates photo identification or digital images of the person who is providing the breath test;

11. Circumvention—To bypass the correct operation of a BAIID by starting the vehicle by any means without first providing a breath test;

12. Commission—The Missouri Highways and Transportation Commission created by article IV, section 29, Constitution of Missouri;

13. Department—The Missouri Department of Transportation created by article IV, section 29, Constitution of Missouri;

14. Designated monitoring period—The period of time indicated by the Department of Revenue for required monitoring of the driver’s ignition interlock use by the manufacturer;

15. Device—Breath alcohol ignition interlock device;

16. Division—The Highway Safety and Traffic Division under the department that is delegated the authority to administer the provisions of 7 CSR 60-2.010 through 7 CSR 60-2.060;

17. Download—The transfer of information from the interlock device’s memory onto disk or other electronic or digital transfer protocol;

18. Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

19. Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

20. Global positioning system (GPS)—A feature of the device that will log the location (longitude and latitude), date, and time of each breath sample including any refusal, any circumvention attempt, and any attempt to tamper with the ignition interlock device;

21. Initial breath test—A breath test required to start a vehicle to ensure that the driver’s BrAC is below the alcohol setpoint;

22. Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by a technician;

23. ISO—International Organization for Standardization;

24. Lockout—A condition of the device which prevents a vehicle’s engine from starting unless it is serviced or recalibrated;

25. Manufacturer—A person or company responsible for the design, construction, and/or production of a BAIID;

26. Mechanical override code—Method of overriding the breath sample requirement during the mechanical servicing of a vehicle by a mechanic utilizing a unique code provided by the manufacturer;

27. Mobile service—A portable operation of an authorized

service provider, whether contained within a vehicle or temporarily erected on location, which includes all personnel and equipment necessary to conduct ignition interlock device related business and services, separately and simultaneously with its parent fixed location service centers. The mobile service center shall comply with all of the requirements provided for an authorized service provider herein;

28. Operator – Any person who operates a vehicle that has a court-ordered or Department of Revenue-required breath alcohol ignition interlock device installed;

29. Override lockout code – Method of overriding a lockout condition by providing a unique code;

30. Permanent lockout – A condition in which the device will not accept a breath test until serviced by an ASP;

31. Pure breath sample – Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

32. Real-time reporting – The near real-time transmission of ignition interlock data between the manufacturer’s server and the operator’s ignition interlock while the device is in use;

33. Refusal – The failure of a driver to provide a breath sample and complete the breath test when prompted by the device;

34. Relative within second degree of consanguinity or affinity – A spouse or domestic partner, parent, step-parent, child, step-child, grandparent, step-grandparent, grandchild, step-grandchild, brother, step-brother, sister, step-sister, mother-in-law, father-in-law, grandparent-in-law, grandchild-in-law, brother-in-law, or sister-in-law;

35. Retest – Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the running retest;

36. Running retest – A subsequent breath test that must be conducted within five (5) minutes after starting the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter while the vehicle is in operation;

37. Service lockout – A condition of the breath alcohol ignition interlock device that occurs when the operator fails to have the device serviced during a certain period of time and results in a permanent lockout condition;

38. Start or starting – To manipulate a vehicle’s inputs or systems or to activate a motor, thereby initiating the transition of a stationary vehicle into motor-powered, driver-controlled motion;

39. Tampering – An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an initial breath test and/or blocking, moving, or disabling the camera, if required;

40. Technician – A person trained by the authorized service provider to possess the skills necessary to install, service, calibrate, and/or remove ignition interlock devices;

41. Temporary lockout – A condition in which the device will not allow the vehicle to start for fifteen (15) minutes after [three (3)] two (2) failed attempts to blow a pure breath sample within a ten (10) minute period; and

42. Violations reset – A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen- (15-) minute temporary lockouts within a thirty- (30-) day period;

B. Any three (3) running retest refusals within a thirty- (30-) day period;

C. Any three (3) breath samples, after startup, at or above the alcohol setpoint within a thirty- (30-) day period;

D. Any attempts to circumvent or tamper with a device; or

E. When a device is not serviced on its service date.

AUTHORITY: sections 226.130, 302.304, 302.309, 302.525, and 577.041, RSMo 2016, section 302.060, RSMo Supp. [2023] 2024, and sections 302.440–302.462, RSMo 2016 and Supp. [2023] 2024. This rule originally filed as 11 CSR 60-2.010. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency Rule filed Dec. 6, 2024, effective, Jan. 1, 2025, expires June 29, 2025. A proposed amendment covering this same material is published in this issue of the Missouri Register.

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

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60 – Highway Safety and Traffic Division Chapter 2 – Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

EMERGENCY AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending paragraphs (1)(C)2. through (1)(C)5.

PURPOSE: This emergency amendment clarifies the requirements that an operator provide a second breath sample that shall be below the alcohol set point within ten (10) minutes after the operator’s initial breath sample provided is at or above the alcohol set point and the ignition interlock manufacturer report within thirty (30) days two (2) temporary lockout occurrences as a violation as required in 7 CSR 60-2.040(4).

EMERGENCY AMENDMENT: This emergency amendment, along with an emergency amendment to Title 7, Code of State Regulations (CSR) 60-2.010(1)(A)41, corrects an inconsistency, namely, that the definition of “temporary lockout” of an ignition interlock device in 7 CSR 60-2.010(1)(A)41 ensure a lockout occurs when there are two (2) failed attempts to blow a pure breath sample within a ten (10) minute period, which is identical to when a temporary lockout occurs under this rule 7 CSR 60-2.030(1)(C)2. The last amendments to this rule and 7 CSR 60-2.030(1)(A)41 became effective on August 30, 2024, and the inconsistencies between both rules’ “temporary lockout” provisions were discovered a few weeks before these rules’ effective date.

When the need for an amended rule was determined, Missouri Department of Transportation (MoDOT) staff began its internal rulemaking development process, a process that was created by policy of the Missouri Highways and Transportation Commission (hereinafter, Commission). The policy is to ensure there is a need for, and determine the impact of, such rulemaking. The process is time-consuming as it requires MoDOT staff to contact potentially

affected external stakeholders and state agencies to ensure they are aware of and understand the proposed rulemaking's impact. MoDOT staff contacted five ignition interlock manufacturers and staff of the Missouri Department of Revenue, who reviewed and agreed to the proposed rulemaking changes. And even after reaching external stakeholder consensus, the Commission's rulemaking process then requires senior MoDOT staff to understand and agree to the proposed rulemaking before it is finally taken to the Commission for its approval to commence the statutory process for the proposed rulemaking. This process takes significant time.

Section 302.458, RSMo, requires the Missouri Highways and Transportation Commission (Commission) to certify ignition interlock devices and directs the Commission to adopt rules for the proper use of such devices in consultation with the National Highway Traffic Safety Administration. An ignition interlock device is a breath testing device installed in a motor vehicle that prevents the motor vehicle from continued operation if breath test results show a breath alcohol concentration that meets or exceeds the alcohol setpoint established in the rule at twenty-five thousandths (.025). The device also requires the driver to continue to pass repeated breath tests while the vehicle is running to ensure that the driver remains below the alcohol setpoint.

The Commission and Missouri Department of Transportation (MoDOT) find that this emergency amendment is necessary to preserve a compelling governmental interest, namely, that with 7 CSR 60-2.010(1)(A)41 allowing three (3) failed breath sample tests before a temporary lockout of the motor vehicle is triggered, and 7 CSR 60-2.030(1)(C)2 allowing only two (2) failed attempts before triggering a temporary lockout, this results in the failure to consistently impose temporary lockouts of motor vehicles after two (2) failed breath tests by an operator-client that has an ignition interlock device. And because 7 CSR 60-2.030(1)(C)5 requires an ignition interlock manufacturer to report two (2) temporary lockout occurrences in a thirty-day period, an operator-client that would have otherwise violated the terms of 7 CSR 60-2.030(1)(C)2 with two(2) failed breath test attempts may not be reported by the device manufacturer as a violation as the device is set to only report when three (3) failed attempts are provided as set forth in the definition of "temporary lockout" in 7 CSR 60-2.010(1)(A)41.

The Commission and MoDOT's compelling governmental interest is to assure that operator-clients are locked out of their motor vehicles when such clients submit two (2) failed breath tests as required in 7 CSR 60-2.030(1)(C)2 and that such failures are timely reported by the manufacturer when two such lockouts occur within a thirty (30) day period. If an operator-client would have otherwise been subject to a temporary lockout due to the submission of two (2) failed breath tests to an ignition interlock device as required in this rule 7 CSR 60-2.030(1)(C)2, but such temporary lockout does not occur because the ignition interlock device only recognizes a lockout when there are three (3) failed breath tests as required in the definition of a "temporary lockout" in 7 CSR 60-2.010(1)(A)41, this would pose an immediate danger to the public health, safety, and welfare to other Missouri citizen drivers in the event the operator is impaired but still allowed to operate the motor vehicle and becomes involved in a motor vehicle crash. This immediate danger requires the promulgation of this emergency amendment.

The emergency amendment is best calculated to assure fairness to all interested parties, including manufacturers, who will have consistent requirements to program their devices to trigger a temporary lockout when there are two (2) failed breath tests, and to operator-clients, who will be consistently prohibited from submitting more than one failed breath test before their motor vehicle is subjected to a temporary lockout, and to Missouri

citizens who will be protected from impaired operators that are not locked out from operating their motor vehicles after submitting more than one (1) failed breath test. This emergency rule would also avoid potential unnecessary and expensive litigation of legal claims by both manufacturers and operator-clients over the inconsistent temporary lockout provisions. The emergency amendment addresses these immediate harms to Missouri citizens, ignition interlock manufacturers, and operator-clients by ensuring consistent application of the temporary lockout provisions to occur when there are two (2) failed breath test attempts within a ten (10) minute period and including the reporting of two temporary lockouts in a thirty-(30-)day period.

The emergency amendment is limited solely to correcting the inconsistencies in defining what constitutes a "temporary lockout" in 7 CSR 60-2.010(1)(A)41 and 7 CSR 60-2.030(1)(C)2. Since the amended rules became effective on August 30, 2024, the Commission and MoDOT have not documented any instances that have shown a detrimental impact attributed to the inconsistencies. But because of the potential for immediate harm the afore-mentioned inconsistencies would pose to the public health, safety, and welfare to other Missouri citizen drivers in the event an operator is impaired but still allowed to operate a motor vehicle and becomes involved in a motor vehicle crash due to such operator not being temporarily locked out of such vehicle due to two(2) failed breath tests, this emergency amendment is necessary. A proposed, permanent amendment to this rule, which covers the same material, will also be published in the **Missouri Register**.

The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The Commission and MoDOT believe this emergency amendment to be fair to all interested parties under the circumstances. The emergency amendment was filed December 6, 2024, becomes effective January 1, 2025, and expires June 29, 2025.

(1) Device standards and specifications. To be certified, a breath alcohol ignition interlock device must –

(C) Alcohol set point to start vehicle –

1. Have an alcohol set point below twenty-five thousandths (.025) for initial breath test to start the vehicle.

2. Require the operator to provide a second breath sample that shall be below the alcohol set point within ten (10) minutes after the operator's initial breath sample provided is at or above the alcohol set point.

[2.]3. Permit a maximum of two (2) attempts to blow a breath sample below the alcohol set point within a ten- (10-) minute period.

[3.]4. Cause a fifteen- (15-) minute temporary lockout when two (2) failed startup attempts occur within a ten- (10-) minute period.

[4.]5. Present a violations reset message when two (2) fifteen- (15-) minute temporary lockouts occur within a thirty-(30-) day period.

[5. When a breath sample provided is at or above the alcohol set point, the operator shall provide a second breath sample below the alcohol set point within ten (10) minutes, or it shall be reported as a violation by the manufacturer.].

6. Require the manufacturer in the event of two (2) temporary lockout occurrences within a thirty- (30-) day period to report such occurrences as a violation as required in 7 CSR 60-2.040(4);

AUTHORITY: sections 226.130, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, section 302.060, RSMo

Supp. [2023] 2024, and sections 302.440–302.462, RSMo 2016 and Supp. [2023] 2024. This rule originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the **Code of State Regulations**. Emergency Rule filed Dec. 6, 2024, effective, Jan. 1, 2025, expires June 29, 2025. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

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

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 41 – General Tax Provisions**

EMERGENCY AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The Director of Revenue proposes to amend section (1) to reflect the interest to be charged on unpaid, delinquent taxes in 2025.

PURPOSE: This emergency amendment establishes the annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2025.

EMERGENCY STATEMENT: The director of revenue is mandated to establish not later than October 22 annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the 2024 calendar year. A proposed amendment, that covers the same material, is published in this issue of the **Missouri Register**. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the **Missouri and United States Constitutions**. Emergency amendment filed December 3, 2024, becomes effective January 1, 2025, and expires June 29, 2025.

PURPOSE: This proposed amendment establishes the annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2025.

(1) Pursuant to section 32.065, RSMo, the Director of Revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governors of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year, has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%
2012	3%
2013	3%
2014	3%
2015	3%
2016	3%
2017	4%
2018	4%
2019	5%
2020	5%
2021	3%
2022	3%
2023	6%
2024	9%
2025	8%

AUTHORITY: section 32.065, RSMo 2016. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Dec. 3, 2024, effective Jan. 1, 2025, expires June 29, 2025. A proposed amendment covering the same material is published in this issue of the **Missouri Register**.

PUBLIC COST: This emergency amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes is 9%.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes will be 9%. The actual number of affected taxpayers is unknown.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes is 8%.</i>

III. WORKSHEET

The proposed amendment establishes the rate of interest for 2025 at eight percent (8%), which is one percent (1%) lower than the rate in 2024.

This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes will be 8% on each \$100 of delinquent taxes to public entities.

Interest on Delinquent Taxes Paid to Department of Revenue

	Current Rule 9.00%	Proposed Amendment 8.00%
Example:		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$9.00	\$8.00
Total Amount Due	\$109.00	\$108.00

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes will be 8%. The actual number of affected taxpayers is unknown.</i>

III. WORKSHEET

The proposed amendment establishes the rate of interest for 2025 at eight percent (8%).

This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes is eight percent (8%) and will be assessed on each \$100 of delinquent taxes to private entities. The actual number of affected taxpayers is unknown.

Interest on Delinquent Taxes Paid to Department of Revenue

	Current Rule 9.00%	Proposed Amendment 8.00%
Example:		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$9.00	\$8.00
Total Amount Due	\$109.00	\$108.00

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage.

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

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

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

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

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

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

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

TITLE 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality

PROPOSED AMENDMENT

5 CSR 20-400.500 Application for Certificate of License to Teach. The Department of Elementary and Secondary Education (the department) is amending sections (5) and (13) and adding section (14).

PURPOSE: The changes to this rule serve two main purposes. Regarding the revision to section (5), the department has determined that the current requirement of a 3.0 GPA in the specific content being taught does not have a documented connection to the quality of teaching. Given the current teacher shortage, the department is taking this action to remove an unnecessary obstacle to becoming a teacher. Regarding the

revision to section (13), the department is seeking to ensure that all teachers granted certification in Elementary Education have the knowledge necessary to teach Missouri's children to read. Section (14) adds an effective date.

(5) An applicant for a Missouri certificate of license to teach who has successfully completed an educator preparation program approved by the department must comply with the following additional criteria in addition to any requirements specific to the content area for which the applicant seeks certification:

[(B) The applicant must possess a grade point average to meet the following specifications:

1. A grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

2. For applicants graduating from a baccalaureate program who do not meet the appropriate content area grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the board to qualify for forgiveness of a disqualifying content area grade point average. Such satisfactory score shall be higher than the Missouri qualifying score;]

(B) The applicant must possess a grade point average of 3.00 or higher in professional education.

(13) [The requirements of this rule shall become effective August 1, 2017.] Regardless of the certification pathway, any applicant for an initial certification to teach in Elementary Education must demonstrate proficiency in the teaching of reading by passing the State Board of Education-approved Elementary reading exam.

(14) The requirements of this rule shall become effective July 1, 2025.

AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, [168.400,] 168.405, and 168.409, RSMo 2016, and sections 168.021 and 168.400, RSMo Supp. [2020] 2024. Original rule filed Oct. 29, 2013, effective May 30, 2014. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 10, 2024.

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

PRIVATE COST: The Missouri Department of Elementary and Secondary Education estimates that the cost to private individuals applying for certification in Elementary Education will be around seventeen thousand eight hundred seventy-five dollars (\$17,875). This is based upon the number of applicants not currently covered by the requirement who applied for certification between September 1, 2023, and August 31, 2024, three hundred thirteen (313), multiplied by the cost of the board-approved reading test, fifty-five dollars (\$55).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480, or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

**I. Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

Rule Number and Title:	5 CSR 20-400.500 Application for Certificate of License to Teach
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
313	Individual certification applicants	\$17,875

III. WORKSHEET

The Missouri Department of Elementary and Secondary Education estimates that the cost to private individuals applying for certification in Elementary Education will be around \$17,875. This is based upon the number of applicants not currently covered by the requirement who applied for certification between September 1, 2023 and August 31, 2024, 313, multiplied by the cost of the Board-approved reading test, \$55.

IV. ASSUMPTIONS

The number of applications for certification in Elementary Education submitted by candidates completing preparation routes not covered by the current year will remain relatively constant, around 325 per year.

The cost of the Praxis reading subtest (7002) will remain constant--\$55.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.530 Certification Requirements for a Teacher of Middle School Education (Grades 5-9). The Department of Elementary and Secondary Education (the department) is amending section (1) and adding section (2).

PURPOSE: The department has determined that the current requirement of a 3.0 GPA in the specific content being taught does not have a documented connection to the quality of teaching. Given the current teacher shortage, the department is taking this action to remove an unnecessary obstacle to becoming a teacher. Section (2) adds an effective date.

(1) An applicant for a Missouri certificate of license to teach Middle School Education who possesses good moral character may be granted an initial Missouri certificate of license to teach Middle School Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Middle School Education:

(A) General Requirements. An applicant for a Missouri certificate of license to teach who has successfully completed an educator preparation program approved by the Missouri Department of Elementary and Secondary Education (department) must comply with the following additional criteria:

1. The applicant must possess a baccalaureate degree from a regionally accredited college or university;

2. The applicant must have a recommendation from the designated official at a baccalaureate or higher-level educator preparation program approved by the department;

[3. The applicant must possess a grade point average to meet the following specifications:

A. A grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

B. For applicants graduating from a baccalaureate program who do not meet the appropriate content area grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the State Board of Education (board) to qualify for forgiveness of a disqualifying content area grade point average. Such satisfactory score shall be higher than the Missouri qualifying score.]

3. The applicant must possess a grade point average of 2.5 or higher in the specific content area for which certification is sought;

4. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.440. The official score shall be submitted to the department;

5. The applicant must complete the professional requirements as determined by the recommending educator preparation program, which may exceed these minimum requirements; and

6. Individuals who completed an educator preparation program outside of the United States shall provide documentation of completion of coursework in the following:

- A. English Composition, two (2) courses, each a minimum of two (2) semester hours;
- B. U.S. History, three (3) semester hours; and
- C. U.S. Government, three (3) semester hours;

(2) The requirements of this rule shall become effective July 1, 2025.

AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, [168.400.] 168.405, and 168.409, RSMo 2016, and sections 168.021 and 168.400, RSMo Supp. [2022] 2024. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed Nov. 2, 2020, effective May 30, 2021. Amended: Filed Feb. 10, 2023, effective Sept. 30, 2023. Amended: Filed Dec. 10, 2024.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480, or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.540 Certification Requirements for Teacher of Secondary Education (Grades 9-12). The Department of Elementary and Secondary Education (the department) is amending section (1) and adding sections (16) and (17).

PURPOSE: The changes to this rule serve two purposes. Regarding the revision to subsection (1)(A), the department has determined that the current requirement of a 3.0 GPA in the specific content being taught does not have a documented connection to the quality of teaching. Given the current teacher shortage, the department is taking this action to remove an unnecessary obstacle to becoming a teacher. Regarding the addition of section (16), the department believes that the availability of this General Science certification path would provide a necessary option for teacher candidates who would like to be generalists and be qualified to teach the majority of secondary science classes taught in Missouri schools. Section (17) adds an effective date.

(1) An applicant for a Missouri certificate of license to teach Secondary Education who possesses good moral character may be granted an initial Missouri certificate of license to teach Secondary Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Secondary Education:

- (A) General Requirements –

1. A baccalaureate degree from a college or university having an educator preparation program approved by the Missouri Department of Elementary and Secondary Education (department) or from a college or university having an educator preparation program approved by the state education agency in states other than Missouri;

2. The applicant must have a recommendation from the designated official at a baccalaureate or higher-level educator preparation program approved by the department;

[3. The applicant must possess a grade point average to meet the following specifications:

A. A grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

B. For applicants graduating from a baccalaureate program who do not meet the appropriate content area grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the State Board of Education (board) to qualify for forgiveness of a disqualifying content area grade point average. Such satisfactory score shall be higher than the Missouri qualifying score]

3. The applicant must possess a grade point average of 2.5 or higher in the specific content area for which certification is sought;

4. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.440. The official score shall be submitted to the department;

5. The applicant must complete the professional requirements as determined by the recommending educator preparation program, which may exceed these minimum requirements; and

6. Individuals who completed an educator preparation program outside of the United States shall provide documentation of completion of coursework in the following:

A. English Composition, two (2) courses, each a minimum of two (2) semester hours;

B. U.S. History, three (3) semester hours; and

C. U.S. Government, three (3) semester hours;

(16) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license to teach General Science may be granted an initial Missouri certificate of license to teach General Science subject to completion of at least thirty-five (35) semester hours in the following content knowledge areas and demonstration of competency to the satisfaction of the educator preparation institution:

(A) History/Philosophy of Science and Technology, three (3) semester hours; and

(B) A minimum of thirty-two (32) hours in General Science, which must include –

1. Chemistry;

2. Biology;

3. Physics;

4. Earth Science;

5. Astronomy; and

6. Environmental Science.

(17) The requirements of this rule shall become effective July 1, 2025.

AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, [168.400,] 168.405, and 168.409, RSMo 2016, and sections 168.021 and

168.400, RSMo Supp. [2023] 2024. Original rule filed Oct. 29, 2013, effective May 30, 2014. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 10, 2024.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480, or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.550 Certification Requirements for Teacher of K-12 Education. The department is amending sections (1) and (10).

PURPOSE: The department has determined that the current requirement of a 3.0 GPA in the specific content being taught does not have a documented connection to the quality of teaching. Given the current teacher shortage, the department is taking this action to remove an unnecessary obstacle to becoming a teacher. Section (1) also corrects a previous inaccuracy in describing the certification. Revision to section (10) changes the effective date.

(1) An applicant for a Missouri certificate of license to teach [Secondary] K-12 Education who possesses good moral character may be granted an initial Missouri certificate of license to teach K-12 Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to K-12 Education:

(A) General Requirements –

1. A baccalaureate degree from a college or university having an educator preparation program approved by the Missouri Department of Elementary and Secondary Education (department) or from a college or university having an educator preparation program approved by the state education agency in states other than Missouri;

2. The applicant must have a recommendation from the designated official at a baccalaureate or higher-level educator preparation program approved by the department;

[3. The applicant must possess a grade point average to meet the following specifications:

A. A grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

B. For applicants graduating from a baccalaureate program who do not meet the appropriate content area grade point average requirements, competency may otherwise be

demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the State Board of Education (board) to qualify for forgiveness of a disqualifying content area grade point average. Such satisfactory score shall be higher than the Missouri qualifying score]

3. The applicant must possess a grade point average of 2.5 or higher in the specific content area for which certification is sought;

4. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.440. The official score shall be submitted to the department;

5. The applicant must complete the professional requirements as determined by the recommending educator preparation program, which may exceed these minimum requirements; and

6. Individuals who completed an educator preparation program outside of the United States shall provide documentation of completion of coursework in the following:

- A. English Composition, two (2) courses, each a minimum of two (2) semester hours;
- B. U.S. History, three (3) semester hours; and
- C. U.S. Government, three (3) semester hours;

(10) The requirements of this rule shall become effective [August 1, 2017] **July 1, 2025.**

AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, [168.400.] 168.405, and 168.409, RSMo 2016, and sections 168.021 and 168.400, RSMo Supp. [2020] 2024. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed Nov. 2, 2020, effective May 30, 2021. Amended: Filed Dec. 10, 2024.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480, or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 10 – Missouri Highways and Transportation Commission

Chapter 15 – Contractor Prequalification

PROPOSED AMENDMENT

7 CSR 10-15.010 Prequalification to Bid of Certain Contractors. The Missouri Highways and Transportation Commission is deleting the form which follows the rule in the Code of State Regulations and amending sections (1) through (6).

PURPOSE: This amendment clarifies and streamlines the contractor prequalification process by updating and condensing the forms, requiring electronic submission of the form, and outlining the circumstances in which the form should be used.

(1) Definitions.

(A) The following definitions apply to this rule:

1. “Commission” means the Missouri Highways and Transportation Commission and all its members, jointly and severally;

2. “Department” means the Missouri Highways and Transportation Department, which may also be commonly referred to as the Missouri Department of Transportation. “Department” includes the chief engineer and all other officers and employees of the department, unless the text of this rule clearly indicates a contrary construction is intended;

3. “Chief engineer” means the chief engineer of the department; or if that position is vacant, then it means the assistant chief engineer;

4. “Highway project” means any type or combination of excavation, construction, demolition, maintenance, fabrication, paving, dredging, repair, erection, electrical, landscaping, seeding and mulching, erosion control, installation, manufacturing, transportation, or other work[,] done under a contract with the commission or department on or for any existing or proposed road, highway, or bridge in the Missouri state highway system;

5. “Contract” means a written agreement between a contractor and the commission or department, including, but not limited to, a purchase order or similar writing. A contract may include two (2) or more different highway projects as part of a required or permissive combination; and

6. “Cost estimate” means the contractor’s own estimate, in the form of a complete and responsive bid, submitted by a contractor for a highway project[.];

[7. All bids shall be submitted electronically using the department’s electronic bidding process.]

(2) Application of this Rule.

[(A) This rule does not apply to—

1. Any contractor which has a valid prequalification contractor questionnaire on file with the department, and which contractor (including, in the case of a partnership or joint venture, any component contractor) has performed any work for the department within the five (5) years preceding the date that contractor’s bid for any highway project, or combination of projects, shall be opened by the department;

2. Any contractor which has a valid prequalification contractor questionnaire on file with the department, which has performed no work for the department within the five (5) years preceding the date that contractor’s bid for any highway project or combination of projects shall be opened by the department, and which submits a bid (or cost estimate) on each individual highway project at or below two (2) million dollars; and

3. A contractor which meets the requirements of either paragraph (2)(A)1. or 2. of this rule is exempt from having to be prequalified to bid under section 227.105, RSMo, effective August 28, 1996.]

[(B)](A) This rule applies [only] to a contractor which intends to or does submit a bid (or cost estimate) [in excess of two (2) million dollars] for any one (1) highway project, whether that highway project is bid separately or in combination with any other highway project(s); and further, that contractor must have performed no highway project work for the department in the five (5) years preceding the date the department shall or does open that contractor’s bid on that highway project].

(3) Contractor Prequalification Required to Submit Bid, When –

(A) The department shall not accept any bid (or cost estimate) *[in excess of two (2) million dollars]* for a single highway project (whether it is bid individually or in combination with others), which bid is submitted by a contractor *[which has performed no highway project work for the department during the preceding five (5) years]*, unless the department has determined that the contractor is prequalified, **under this rule**, to bid; **and**

(B) A bid (or cost estimate) on any highway project submitted by a contractor which is not prequalified *[or exempt from prequalification]* under *[subsection (2)(A) of]* this rule shall not be accepted by the department or commission. Acceptance by the department **or commission** only occurs if the highway project bid *[of]* by the contractor is received, opened, and the total bid publicly *[read]* **posted** by the department. *[If part of a combination bid is legally acceptable and another portion is not (such as in permissive combinations which are not qualified “All or none”), the department shall accept that portion which was legally bid and shall not accept the rest.]* If the department inadvertently errs in accepting a bid on a highway project which it should not have accepted under this rule and section 227.105, RSMo, the department, prior to any contract award, shall notify all contractors which bid on that highway project and the commission of the erroneous acceptance of the bid from a contractor which was not properly prequalified under this rule, showing that the matter has been corrected, and that action shall render null and void the prior erroneous bid acceptance[.].

[(C) A contractor which is neither prequalified nor exempt from qualification under this rule may be prequalified by satisfying the specific criteria set forth below in section (4) of this rule;

(D) Effective on or after August 28, 1996, the fact that a contractor has a standard contractor questionnaire on file with the department by the appropriate date does not allow that contractor to bid on all highway projects. It only permits that contractor to bid on those highway projects which have a cost estimated by the contractor at two (2) million dollars or less, if that contractor has done no work in the preceding five (5) years.]

(4) Contractor Prequalification Responsibility.

(A) Contractor (which, with reference to a partnership or joint venture, includes all component contractors jointly and severally) *[which has performed no work for the department during the preceding five (5) years]* must supply the following information to the satisfaction of the department, on a prequalification contractor questionnaire form obtained from the department, in order to become prequalified to bid on any highway project *[with a completion cost estimated by the contractor through its bid to be in excess of two (2) million dollars]*:

[1. The same information required of any other contractor on a standard contractor questionnaire form. The prequalification contractor questionnaire form requests this information also. It is not necessary for a contractor to complete both forms to be prequalified;]

[2.]1. The type(s) of highway project[s] in which the contractor desires to be prequalified. A contractor may apply to be prequalified in any one (1), more than one (1), or all types of highway project work. For the purposes of this rule, the various general highway project work types are –

A. Earthwork, including excavation, fill, grading, hauling, wasting, compaction, and/or landscaping, including signing and signaling and other related work;

B. Bituminous pavement, including signing and

signaling, guardrails, shoulders, and other related *[structures] work;*

C. Portland cement concrete pavement, including signing and signaling, guardrails, shoulders, and other related *[structures] work;*

D. Bridges, culverts and other similar structures, including signing and signaling, guardrails, shoulders, and other related *[structures] work;* and

E. Other miscellaneous highway project types of work (which the contractor must describe specifically);

[3.]2. The contractor's experience in performing the type(s) of highway project for which prequalification is requested. The contractor must include the construction experience of the contractor's key personnel necessary to complete the type(s) of highway project designated;

[4.]3. The contractor's ability to complete the type(s) of highway project that the contractor has requested to be prequalified in. At a minimum, this shall include a showing of the contractor's ability to complete highway projects in a timely manner, by furnishing to the department a listing of all projects completed within the last five (5) years similar to the type(s) of highway project that the contractor requests prequalification on;

[5.]4. [The type(s) of highway projects the contractor is qualified to perform. This showing can be made by] A contractor requesting to be approved to bid on highway projects in excess of two (2) million dollars must submit a signed and notarized [writing] document from the contractor's surety bonding company or broker, stating the type(s) of highway projects (as designated above) for which that company or broker will issue a performance and payment bond in an amount in excess of two (2) million dollars, to cover the highway project work and debts of that contractor;

*[6.]5. [Satisfactory evidence of t]The contractor's current] shall confirm they can obtain insurance coverage[, including comprehensive general liability, worker's compensation, and automobile/vehicular coverage. The evidence of insurance shall, at a minimum, demonstrate that the contractor has the same insurance required by the commission of other contractors to perform construction work on a state highway project. Or, the contractor and its insurance company or broker shall submit notarized statements that the contractor is able to and]. The contractor shall obtain the required types and amounts of insurance **required by the commission and section 227.105, RSMo**, with the required endorsements, prior to commencing work if the contractor is awarded a *[Missouri state]* highway project contract;*

[7.]6. The contractor's designation of a Missouri resident individual or firm as its agent for the receipt of legal process. This designation must include the complete name, street[,] and mailing address, and phone number of that designated agent;

[8.]7. The contractor's listing of all current work in progress, whether or not the work is a highway project. This listing shall include the total value of all such work not yet completed, and the contract and estimated actual completion dates of these projects;

*[9.]8. The equipment that the contractor has available for the type(s) of highway project for which prequalification is requested. For the purposes of this rule, equipment is available if the contractor currently owns, rents, or leases that equipment, or if the contractor has the present ability to rent, lease, or purchase such equipment so that it is available for use on such designated type(s) of highway project. The designation of available equipment shall include a specific list of all *[classes of]* equipment available to perform the type(s)*

of highway project work designated for prequalification[, and whether they are currently owned, leased, or available for rent, lease, or purchase]; and

[10.]9. Where practical, the contractor shall provide from its highway project surety bonding company[,] copies of records from the most recent audit issued of that company (and not the brokerage company which merely sells the surety bonds issued by another company). Audit report documents and records from independent public accounting or certified public accountant (C.P.A.) firms are preferred, rather than internal bonding company audits. This information should indicate the general financial stability of the surety bonding company the contractor anticipates using to bond its highway projects in Missouri. If the bonding company is listed in the "United States Department of the Treasury, Fiscal Service, Department Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" and is authorized to issue surety bonding instruments in Missouri, only a photocopy of the bonding company's audit assets and liabilities balance sheet is necessary. The department prefers that the bonding company **electronically** submit these audit record copies directly to the [department] **Construction and Materials Division**. If it is not practical to obtain or submit these documents from the surety bonding company's most recent audit, a complete and detailed explanation of why it is not practical to provide that information at present, when that information will be provided to the department, or why that information is not necessary to be provided[,] must be submitted in lieu thereof, with supporting documentation. The department will determine if the justification for why it is not practical to obtain or submit the bonding company audit information is satisfactory.

(B) Submitting the Prequalification Contractor Questionnaire to the Department.

1. The prequalification contractor questionnaire must be completed fully and accurately, [personally signed and notarized, and mailed or delivered (including electronic means) to the department] **signed by a representative of the contractor with the authority to sign on the company's behalf or their designee. The prequalification contractor questionnaire must be submitted electronically to the Construction and Materials Division** so that it is received by the appropriate departmental staff no less than seven (7) calendar days prior to the date and hour [the contractor anticipates bidding on any Missouri highway project. However, if the contractor already has a standard contractor questionnaire on file with the department, it may bid on any Missouri highway project which the contractor's bid estimates will cost two (2) million dollars or below] of the published letting date.

2. The prequalification contractor questionnaire **may be obtained on the department's website and must be [mailed or delivered to:] electronically submitted to the Construction and Materials Division at the email address provided on the department's website.**

[Division Engineer, Construction and
Materials
Missouri Department of Transportation
1617 Missouri Boulevard
PO Box 270
Jefferson City, MO 65102-0270

(C) Delivery may be in person, by a representative or agent, or by any United States Postal Service or express delivery company, without restriction, or electronically, as long as it is complete and received in the appropriate office of the department no later than seven (7) calendar days prior to

the date and hour the contractor's bid will be opened by the department.

(D) If the contractor fails to supply the form to the department within this specified time frame, submits an incomplete form which lacks any necessary information requested, or does not submit any form at all, the contractor shall not be allowed to bid on any highway project (if no valid standard contractor questionnaire is on file with the department). Additionally, the contractor shall not be allowed to bid on any highway project which that contractor estimates to cost in excess of two (2) million dollars.

(E) The contractor will be notified in writing if the prequalification contractor questionnaire is incomplete or insufficient in any respect. If practicable, notification will be made by facsimile transmission as well as by first class United States mail, or electronically, so that the contractor is aware of the problem prior to submitting any highway project bid to the department.]

(C) If the contractor fails to electronically submit the completed form to the department within this specified time frame, or does not submit any form at all, the contractor shall not be allowed to bid on any highway project.

(5) Departmental Review and Contractor Prequalification.

(A) Once the department receives the **complete electronic** form from the contractor [within the specified seven- (7-) day time period prior to the date and hour of the bid opening of the highway project], the department will review the prequalification contractor questionnaire form for accuracy and completeness, and will verify such information contained or attached to the form as the department deems appropriate. The department's review of the contractor's form will be conducted by the unit or staff designated by the chief engineer [in writing for that purpose].

(B) If, in the discretion of the designated staff of the department, the contractor's prequalification contractor questionnaire and attachments show that the contractor should be qualified to bid on highway projects of the type(s) the contractor has requested prequalification for, the department will notify the contractor [in writing by first class United States mail, and/or] electronically. [The department may also notify the contractor by phone or facsimile transmission if a highway project bid opening date is approaching, but there is no obligation upon the department to do so.] The contractor may also contact the department by phone[, facsimile transmission, or electronically, or in writing.] or email to confirm that its prequalification contractor questionnaire has been approved.

(C) If, in the discretion of the designated staff of the department, the contractor's prequalification contractor questionnaire and attachments do not show that the contractor is qualified to bid on any one (1) or more of the type(s) of highway project for which the contractor has requested prequalification, that departmental staff shall notify the contractor applicant [in writing, or] electronically[,] that the application is still undergoing review, and shall refer the matter to the chief engineer; or if the chief engineer is unavailable, the assistant chief engineer; or if they are unavailable, to the appropriate division engineer. That individual shall make the final administrative decision on behalf of the department, as to whether the contractor is or is not prequalified to bid on any or all types of highway projects for which prequalification is requested. That individual shall act no later than twenty-one (21) calendar days after the date the completed prequalification contractor questionnaire with all attachments was received. **The contractor applicant shall be notified electronically of the final administrative**

decision.

(D) If a contractor is dissatisfied with the final administrative decision made by the department on its prequalification contractor questionnaire, the contractor may request in writing, or electronically, within twenty-one (21) calendar days of the date of *[mailing]* **receiving the final administrative decision** by the department *[of the administrative review]* that the commission review the final administrative decision made by the department. A contractor is not obligated to seek commission review in order to preserve its rights. Any request for commission review shall be made to:—

Commission Secretary
Missouri Highways and
Transportation Commission
105 West Capitol Avenue
PO Box 270
Jefferson City, MO 65102-0270
MHTC@modot.mo.gov

The request for review shall state specifically and completely the legal and factual basis upon which the contractor believes its prequalification application was denied in error. At the commission's sole discretion, the commission shall decide if it wishes to review the final *[departmental]* **administrative decision**. If the commission elects to *[itself]* review that decision, it shall make its review when it deems best, upon the records and documents in the possession of the department. There will be no further briefing, personal appearance, argument, or presentation to the commission by the contractor or its representative, agent, or attorney. The commission's decision on that record shall supersede the prior decision of the department, and shall then constitute the final administrative decision. If the commission elects in its sole discretion to not review the department's decision, then that *[departmental]* **administrative decision** shall stand as the final administrative decision.

(E) A contractor which was denied prequalification to perform any type of highway project may reapply for prequalification for that or other types of highway projects in sixty (60) **calendar** days or more from the date of the final administrative decision by the department (or commission), or when the circumstances which caused the denial have changed significantly, whichever is less. If the contractor reapplies on the basis of a significant change of circumstances, a complete explanation and supporting documentation showing the significant change of circumstances must be attached, in addition to all other information and documentation required by this rule.

(6) Effect of Contractor Prequalification.

(A) The contractor shall be entitled to bid on all highway projects *[having a cost estimated by the contractor below two (2) million dollars; and on those highway projects having a cost estimated by the contractor in excess of two (2) million dollars]* for which it is prequalified to bid by the final administrative decision of the department (or where applicable, the commission). If the contractor bids on any highway project *[having a cost estimate by that contractor in excess of two (2) million dollars]* for which it has not been prequalified, its bid may be rejected, *subject to subsection (6)(B) of this rule.*

(B) *If a contractor has a valid standard contractor questionnaire or prequalification contractor questionnaire on file with the department, and then does any highway project work for the department or commission, the contractor is entitled to bid on any highway project work without limitation or restriction. Any limitations on the type or estimated cost of highway project work which previously applied to a contractor which has any*

valid contractor questionnaire on file with the department no longer apply when that contractor has completed any highway project work for the department or commission within the five- (5-) year period prior to having its bid on a highway project opened. Further, a contractor who has submitted a valid prequalification contractor questionnaire may bid on any type of highway project, including those highway project types which the department (or commission) did not prequalify that firm for, if the contractor's bid or cost estimate of that highway project is not in excess of two (2) million dollars.

(C) *A contractor remains prequalified, based upon its prequalification contractor questionnaire, for a period of one (1) year. At that time, the contractor will have up to three (3) months to refile another prequalification contractor questionnaire (if it has not done any highway project work for the department or commission in the last five (5) years before the contractor's bid will be opened) if the contractor desires to bid on highway projects having a cost estimate in excess of two (2) million dollars. However, the contractor may file a standard contractor questionnaire if the contractor has done any work for the department or commission within the five- (5-) year period preceding the date of bid opening of a highway project with a cost estimated by that contractor in excess of two (2) million dollars which the contractor will bid on; or if the contractor will not bid during the next year on a highway project having a cost estimated by that contractor in excess of two (2) million dollars.*

(D) *A contractor which filed a valid and acceptable prequalification contractor questionnaire, and then did any highway project work for the department or commission, does not need to file another contractor questionnaire form during the balance of the period in which that prequalification contractor questionnaire remains valid. That contractor will be viewed in all legal respects as if it had a standard contractor questionnaire on file. Once a prequalification contractor questionnaire is filed validly, it serves the same functions as a standard contractor questionnaire for all purposes.*

(E) *Any contractor which files a prequalification contractor questionnaire unnecessarily, because it has done highway project work for the department or commission within at least the last four (4) years, will not have the questionnaire rejected for that reason. Instead, the contractor will be informed in writing, or electronically, that its contractor questionnaire has been accepted, and that the contractor could have filed a standard contractor questionnaire instead.*

(B) **A contractor remains prequalified if they have been awarded a contract by the commission in the last twelve (12) months. The contractors that remain prequalified must review a verification report to ensure the contractor information on file is accurate and current. The verification report will be sent from the department electronically to the email address on file on an annual basis. If no information needs to be changed, the contractor must sign and electronically submit, as noted in paragraph (4)(B)2. The verification report must be signed by a representative of the contractor with the authority to sign on the company's behalf or their designee. The verification report must be received on or before the expiration date to extend their prequalified status by one (1) year. If there is a lapse of time, or information needs to be updated, a new prequalification contractor questionnaire should be completed in its entirety and electronically submitted for review.**

(C) **A contractor remains prequalified for a period of one (1) year from the date of approval if not successfully awarded a contract by the commission.**

AUTHORITY: sections 226.130 and 227.105, RSMo 2016. Emergency rule filed Aug. 15, 1996, effective Aug. 28, 1996, terminated Nov. 22, 1996. Emergency rule filed Nov. 12, 1996, effective Nov. 22, 1996, expired March 31, 1997. Original rule filed Aug. 15, 1996, as 7 CSR 10.15.900, changed to 7 CSR 10-15.010, effective Feb. 28, 1997. Amended: Filed Dec. 8, 2016, effective July 30, 2017. Amended: Filed Dec. 6, 2024.

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

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

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

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60 – Highway Safety and Traffic Division Chapter 2 – Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.010 Definitions. The Missouri Highways and Transportation Commission is amending paragraph (1)(A)41.

PURPOSE: This proposed amendment amends the definition of “temporary lockout” from three (3) failed attempts to two (2) failed attempts within a ten- (10-) minute period.

(1) Definitions.

(A) The following words and terms as used in 7 CSR 60-2.010 through 7 CSR 60-2.060 have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set for the running retest;

2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device prevents the vehicle from starting;

3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;

4. Authorized service provider (ASP)—The entity designated by the manufacturer to provide services to include but not be limited to installation, monitoring, maintenance, and removal of the breath alcohol ignition interlock device;

5. Bogus breath sample—Any sample other than an unaltered, undiluted, and unfiltered alveolar air sample from a driver;

6. Breath alcohol concentration (BrAC)—The amount of alcohol in a given amount of breath, expressed in weight per volume (% weight/volume) based on grams of alcohol per two hundred ten (210) liters of breath;

7. Breath alcohol ignition interlock device (BAIID)—A breath testing device, including all parts necessary for operation, e.g., handset and camera, installed in a vehicle that

prevents it from operating if breath test results show a BrAC that meets or exceeds the alcohol setpoint. The device also requires the driver to continue to pass repeated breath tests while the vehicle is running to ensure that the driver remains below the alcohol setpoint. However, the interlock device will not interfere with the normal operation of the vehicle while it is in use;

8. Breath—Expired human breath containing primarily alveolar air;

9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Camera—A feature of the device that incorporates photo identification or digital images of the person who is providing the breath test;

11. Circumvention—To bypass the correct operation of a BAIID by starting the vehicle by any means without first providing a breath test;

12. Commission—The Missouri Highways and Transportation Commission created by article IV, section 29, Constitution of Missouri;

13. Department—The Missouri Department of Transportation created by article IV, section 29, Constitution of Missouri;

14. Designated monitoring period—The period of time indicated by the Department of Revenue for required monitoring of the driver’s ignition interlock use by the manufacturer;

15. Device—Breath alcohol ignition interlock device;

16. Division—The Highway Safety and Traffic Division under the department that is delegated the authority to administer the provisions of 7 CSR 60-2.010 through 7 CSR 60-2.060;

17. Download—The transfer of information from the interlock device’s memory onto disk or other electronic or digital transfer protocol;

18. Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

19. Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

20. Global positioning system (GPS)—A feature of the device that will log the location (longitude and latitude), date, and time of each breath sample including any refusal, any circumvention attempt, and any attempt to tamper with the ignition interlock device;

21. Initial breath test—A breath test required to start a vehicle to ensure that the driver’s BrAC is below the alcohol setpoint;

22. Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by a technician;

23. ISO—International Organization for Standardization;

24. Lockout—A condition of the device which prevents a vehicle’s engine from starting unless it is serviced or recalibrated;

25. Manufacturer—A person or company responsible for the design, construction, and/or production of a BAIID;

26. Mechanical override code—Method of overriding the breath sample requirement during the mechanical servicing of a vehicle by a mechanic utilizing a unique code provided by the manufacturer;

27. Mobile service—A portable operation of an authorized service provider, whether contained within a vehicle or temporarily erected on location, which includes all personnel

and equipment necessary to conduct ignition interlock device related business and services, separately and simultaneously with its parent fixed location service centers. The mobile service center shall comply with all of the requirements provided for an authorized service provider herein;

28. Operator – Any person who operates a vehicle that has a court-ordered or Department of Revenue-required breath alcohol ignition interlock device installed;

29. Override lockout code – Method of overriding a lockout condition by providing a unique code;

30. Permanent lockout – A condition in which the device will not accept a breath test until serviced by an ASP;

31. Pure breath sample – Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

32. Real-time reporting – The near real-time transmission of ignition interlock data between the manufacturer's server and the operator's ignition interlock while the device is in use;

33. Refusal – The failure of a driver to provide a breath sample and complete the breath test when prompted by the device;

34. Relative within second degree of consanguinity or affinity – A spouse or domestic partner, parent, step-parent, child, step-child, grandparent, step-grandparent, grandchild, step-grandchild, brother, step-brother, sister, step-sister, mother-in-law, father-in-law, grandparent-in-law, grandchild-in-law, brother-in-law, or sister-in-law;

35. Retest – Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the running retest;

36. Running retest – A subsequent breath test that must be conducted within five (5) minutes after starting the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter while the vehicle is in operation;

37. Service lockout – A condition of the breath alcohol ignition interlock device that occurs when the operator fails to have the device serviced during a certain period of time and results in a permanent lockout condition;

38. Start or starting – To manipulate a vehicle's inputs or systems or to activate a motor, thereby initiating the transition of a stationary vehicle into motor-powered, driver-controlled motion;

39. Tampering – An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an initial breath test and/or blocking, moving, or disabling the camera, if required;

40. Technician – A person trained by the authorized service provider to possess the skills necessary to install, service, calibrate, and/or remove ignition interlock devices;

41. Temporary lockout – A condition in which the device will not allow the vehicle to start for fifteen (15) minutes after ~~three (3)]~~ **two (2)** failed attempts to blow a pure breath sample within a ten- (10-) minute period; and

42. Violations reset – A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen- (15-) minute temporary lockouts within a thirty- (30-) day period;

B. Any three (3) running retest refusals within a thirty- (30-) day period;

C. Any three (3) breath samples, after startup, at or above the alcohol setpoint within a thirty- (30-) day period;

D. Any attempts to circumvent or tamper with a device; or

E. When a device is not serviced on its service date.

*AUTHORITY: sections 226.130, 302.304, 302.309, 302.525, and 577.041, RSMo 2016, section 302.060, RSMo Supp. [2023] 2024, and sections 302.440–302.462, RSMo 2016 and Supp. [2023] 2024. This rule originally filed as 11 CSR 60-2.010. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Dec. 6, 2024, effective Jan. 1, 2025, expires June 29, 2025. Amended: Filed Dec. 6, 2024.*

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

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

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

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60 – Highway Safety and Traffic Division Chapter 2 – Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending paragraphs (1)(C)2. through (1)(C)5.

PURPOSE: This proposed amendment amends language to document a violation in the event of two (2) occurrences within a thirty- (30-) day period.

(1) Device standards and specifications. To be certified, a breath alcohol ignition interlock device must –

(C) Alcohol set point to start vehicle –

1. Have an alcohol set point below twenty-five thousandths (.025) for initial breath test to start the vehicle[.];

2. Require the operator to provide a second breath sample that shall be below the alcohol set point within ten (10) minutes after the operator's initial breath sample provided it is at or above the alcohol set point;

[2.]3. Permit a maximum of two (2) attempts to blow a breath sample below the alcohol set point within a ten- (10-) minute period[.];

[3.]4. Cause a fifteen- (15-) minute temporary lockout when two (2) failed startup attempts occur within a ten- (10-) minute period[.];

[4.]5. Present a violations reset message when two (2) fifteen- (15-) minute temporary lockouts occur within a thirty- (30-) day period[.];

[5.]6. [When a breath sample provided is at or above the alcohol set point, the operator shall provide a second breath sample below the alcohol set point within ten (10) minutes, or it shall be reported as a violation by] **Require the manufacturer in the event of two (2) temporary lockout occurrences within a thirty- (30-) day period to report such occurrences as a violation as required in 7 CSR 60-2.040(4);**

AUTHORITY: sections 226.130, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, section 302.060, RSMo Supp. [2023] **2024**, and sections 302.440–302.462, RSMo 2016 and Supp. [2023] **2024**. This rule originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Dec. 6, 2024, effective Jan. 1, 2025, expires June 29, 2025. Amended: Filed Dec. 6, 2024.

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

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

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

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 1 – Organization and Administration**

PROPOSED AMENDMENT

11 CSR 45-1.090 Definitions. The commission is amending sections (1)-(4), (7), (10), (14), (16), and (18)-(23).

PURPOSE: This amendment adds, deletes, and modifies definitions for consistency with other rules.

(1) Definitions beginning with A –

(C) Associated equipment—Equipment used in conjunction with gaming equipment and supplies or associated systems to facilitate payouts to patrons, including but not limited to the following: redemption kiosks and jackpot kiosks;

(D) Associated systems—Any system connected to or interfacing with gaming devices or table games, including but not limited to the following: slot accounting systems, ticket validation systems, cashless systems, bonusing systems, promotional systems, progressive systems, hybrid table game systems, and operator content delivery systems;

[(C)](E) Attendant paid external bonus payout—The total value of cashable credits electronically awarded by an external bonusing system, which are paid by an attendant and are uniquely metered by the electronic gaming device (EGD); and

[(D)](F) Attributed interest—A direct or indirect interest in a business entity deemed to be held by a person not through the person’s actual holdings but either through the holdings

of the person’s relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement, or agreement.

(2) Definitions beginning with B –

[(A) Bill changer—Means any mechanical, electrical, or other device, contrivance, or machine designed for the purpose of dispensing an amount of tokens or credits equal to the amount of currency; and]

(A) Base amount—The initial amount of the progressive jackpot before it increments and the amount upon reset, not including any incrementation related to a secondary meter, following the progressive jackpot being awarded;

(B) Bill validator—Peripheral equipment attached to an electronic device for the purpose of dispensing an amount of credits equal to the amount of cash or cash equivalency inserted into the bill validator; and

[(B)](C) Bonusing system—A system external to and functionally independent of EGDs, that electronically communicates system bonuses to participating EGDs.

(3) Definitions beginning with C –

(A) Cashable electronic promotion in (CEP In)—The total value of cashable credits electronically transferred to the EGD from a [promotional] **player reward** account by means of an external connection between the EGD and a cashless system;

(B) Cashable electronic promotion out (CEP Out)—The total value of cashable credits electronically transferred from the EGD to a [promotional] **player reward** account by means of an external connection between the EGD and a cashless system;

(J) Confidence intervals—A range of values calculated at a given assurance level to measure where the actual return to player (RTP) of an EGD game should statistically be, given the number of game plays;

[(J)](K) Continuously docked excursion—A continuously docked excursion boat shall set a schedule of excursion as required by the definition of excursion. This schedule shall designate a specific time for boarding. On each scheduled excursion, no new passengers shall board after the specified time for boarding has expired;

[(K)](L) Counter check—A type of credit instrument provided by the Class B licensee that is completed as is necessary to be presented by the Class B licensee to the patron’s bank for payment; and

[(L)](M) Critical program storage media—Any [program storage media that contains] **media device containing controlled** software that may affect the integrity of [gaming, including but not limited to game accounting, system, and peripheral firmware devices involved in] **a gambling game or associated equipment**, or which significantly influences the operation and calculation of game play, game display, game result determination, or game accounting[, revenue, or security, and which must be verified utilizing an external third-party methodology approved by the commission and which may, as determined by the commission, have security seals attached thereto].

(4) Definitions beginning with D –

(B) Dependent—Any individual who received over half of his/[or her support in a calendar year from any other individual;

(C) Digital wallet—An electronic monetary account maintained outside the Class A and B [L]licensees’ operations funded by patrons and used to transfer patron funds **directly** to and from approved gaming devices and other authorized devices through the cashless system **without the use of a**

wagering account;

(7) Terms beginning with G –

(C) Gaming equipment and supplies – Any machine, mechanism, device, or implement which affects the result of a game by determining win or loss including, without limitation, electronic, electrical or mechanical devices or machines, **progressive controllers, shufflers**, software, cards, **and dice**; and any representative of value used with any game including, without limitation, chips, tokens, or electronic debit cards and related hardware and software; and

(10) *[(Reserved)]* Definitions beginning with J –

(A) **Jackpot kiosk** – A slot attendant interface unit used to process jackpots from the slot accounting system and dispense the proper payment amount.

(14) Definitions beginning with N –

(A) Nominee – Any individual or business entity that holds, as owner of record, the legal title to tangible or intangible personal or real property, including, without limitation, any stock, bond, debenture, note, investment contract, or real estate on behalf of another individual or business entity, and is designated and authorized to act on his/, her/, or its behalf with respect to the property;

(B) Non-cashable electronic promotion in (NCEP In) – The total value of non-cashable credits electronically transferred to the EGD from a *[promotional]* **player reward** account by means of an external connection between the EGD and a cashless system;

(C) Non-cashable electronic promotion out (NCEP Out) – The total value of non-cashable credits electronically transferred from the EGD to a *[promotional]* **player reward** account by means of an external connection between the EGD and a cashless system; and

(16) Definitions beginning with P –

(B) **Peripheral equipment** – An internal or external device connected to an EGD or kiosk that supports credit acceptance, credit issuance, player interaction, or other specialized function(s);

[(B)](C) Person – Any individual, corporation, partnership, limited partnership, joint venture, limited liability corporation, or unincorporated association;

[(C)](D) Petitioner – A person, applicant, licensee, or excluded person who requests a hearing before the commission;

[(D)](E) Pit or pit area – An area that is completely enclosed or encircled by gaming tables and into which access is restricted to specific casino employees and officials whose job descriptions authorize them being within the enclosed area;

(F) **Player reward account** – An account assigned to a patron in the player tracking system which is used to record the patron's play and may allow for the direct electronic transfer of promotional giveaway credits, player reward credits, or another source of credits approved by the commission to an EGD;

[(E)](G) Player reward credits – Player reward points that are converted into *[D]*downloadable credits;

(H) **Player reward points** – Points earned by patrons *[and]*, which increment with play and are based on predetermined formulas *[(e.g. player reward points)]*;

[(F)](I) Poker – Approved gambling games which are played in a poker room and use poker cards dealt by a nonplaying dealer in which a maximum of eleven (11) players wager on the superiority of their individual hands against the hands of

the other players;

[(G)](J) Political contribution – The making of any gift of any kind or paying or giving money or any other thing of value to –

1. Any candidate or nominee for any public office in Missouri;

2. Any public official; or

3. Any fund-raising committee or other fund-raising entity, whether located in Missouri or elsewhere, that gives, lends, or otherwise provides funds to meet the expenses of any candidate for public office or public official;

(K) **Probability accounting report (PAR sheet)** – A document describing the math of a game, including return to player (RTP) percentages and all possible payouts/awards;

[(H)](L) Progressive controller – The hardware and software that controls all communications within a progressive game link and its associated progressive meter;

(M) **Progressive incremental amount** – The difference between the amount of a progressive jackpot and its base amount;

[(I)](N) Progressive jackpot – *[A value determined by a holder of a Class B license and arrived at by income of an independent, local, or interlinked gambling game. This value shall be clearly displayed to players of the interlinked gambling game and metered incrementally by a progressive controller. A progressive game must prominently display signage indicating either that a progressive jackpot is to be paid or indicating the current amount of the jackpot. An automated controller is not required in games of live poker where the incrementing and distribution processes are defined in the approved rules of the game]* An EGD or table game payoff that increases over time solely as a function of the wagers played on the progressive game at an EGD, a table game, or a group of EGDs or table games;

[(J)] Promotional account – A patron account enabled to allow the direct electronic transfer of promotional giveaway credits, player reward credits, or another source of credits approved by the commission to an EGD;

(K) Promotional system(s) – A collection of files which electronically transfers credits bi-directionally between any promotional account and EGD through the use of a cashless system;]

[(L)](O) Promotional giveaway credits – Downloadable credits awarded to a player's account based on predefined criteria outlined by the rules of a promotion, where the patron provides no consideration; *[and]*

(P) Promotional system(s) – A collection of files which electronically transfers credits bi-directionally between any player reward account and EGD through the use of a cashless system; and

[(M)](Q) Proprietary – Relating to financial, ownership, legal, security, operational, or contractual matters.

(18) Definitions beginning with R –

(A) **Redemption kiosk** – A patron interface unit used to accept redeemable tickets by communicating ticket information to the ticket validation system and pay the ticket amount to the patron. Redemption kiosks may also perform various other tasks including but not limited to bill breaking, check cashing, and ATM functions;

[(A)](B) Regulatory and review agency – Any United States classification society or its agents recognized by the United States Secretary of Transportation under authority of 46 U.S.C. 3316(c)(1) to conduct inspections, make examinations of, and issue certificates for vessels of the United States;

[(B)](C) Relative – Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law, whether by whole or half blood, by marriage, adoption, or natural relationship, and their dependents;

(D) Return to player (RTP) – A ratio of the total amount won to the total amount wagered by a player. Such a return may be “theoretical,” which is based on the mathematical calculations or simulations, or “actual,” which is based on the amounts wagered and won by patrons on a gaming device;

[(C)](E) Riverboat gaming operation – The conducting of gaming and all related activities including, without limitation, the purveying of food, beverages, retail goods and services, and transportation, on a riverboat and at its support facilities; and

[(D)](F) ROM – Read-only memory.

(19) Definitions beginning with S –

(F) Sole proprietor – A person who in his~~[/]~~ or her own name owns one hundred percent (100%) of the assets and is solely liable for the debts of a business;

(20) Definitions beginning with T –

(F) Theoretical payout percentage – The *[sum of the number of tokens]* total value of wins expected to be paid *[as a result of jackpots]* by an EGD divided by the *[number]* total value of EGD wagers expected to be made on that EGD for the series of *[different]* all possible outcomes;

(G) Ticket of admission – A physical or electronic implement, approved by the commission, which records and verifies the admission of patrons onto an excursion gambling boat for the purpose of accounting for the admission fee imposed by section 313.820, RSMo; *[and]*

(H) Ticket validation system – Any system used to print and redeem tickets to and from approved gaming devices and other authorized devices. The system includes the ticket database, collective hardware, software, communications technology, and other peripheral equipment used to conduct ticketing transactions;

[(H)](I) Token – A metal object or other representation of value that is authorized by statute and/or approved by the commission, which is redeemable for cash only at the issuing riverboat gaming operation, and issued and sold by a holder of a Class B license for use in electronic gaming devices~~[/]~~; **and**

(J) Tournament chip – A chip issued by a Class B licensee for use in tournaments at the licensee’s gaming establishment.

(21) Definitions beginning with U –

(A) Unauthorized gambling games – Any gambling game not defined as such in this rule, allowed by law or any such defined game which has not been approved by the commission~~[/]~~; **and**

(B) United States government agency securities – Negotiable, senior, non-callable, debt obligations issued by a United States agency that on the date of funding possess an issuer credit rating equivalent to the highest investment grade rating given by Standard & Poor’s or Moody’s Investors Service.

(22) Definitions beginning with V –

(A) Value chip – A chip, clearly and permanently impressed, engraved, or imprinted with the name of the riverboat and the specific value of the chip~~[/]~~; **and**

(B) Volatility index (VI) – A calculation of an EGD’s payout volatility used to calculate confidence intervals.

(23) Definitions beginning with W –

(A) Wagering account – A patron account held by the Class A or B ~~[/]~~ licensee that allows the electronic transfer of the patron’s funds to or from an approved gaming device and other authorized devices through the cashless system;

(B) Wagering account transfer in (WAT In) – The total value of cashable credits electronically transferred to the EGD from a wagering account or digital wallet by means of an external connection between the EGD and a cashless system; *[and]*

(C) Wagering account transfer out (WAT Out) – The total value of cashable credits electronically transferred from the EGD to the wagering account or digital wallet by means of an external connection between the EGD and a cashless system~~[/]~~; **and**

(D) Wide-area progressive system – A system linked across a communication network at multiple Class B licensees, which allows the same progressive jackpots to be offered on multiple EGDs.

AUTHORITY: section 313.004, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2021] 2024. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to mgc.policy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission’s Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.080 [Authorized Suppliers] Purchases of Gaming Equipment and Supplies. The commission is amending the title, purpose statement, and section (1).

PURPOSE: This amendment adds additional types of gaming equipment which must be purchased from licensed suppliers.

PURPOSE: This rule establishes ~~[/]~~ the items that must be purchased from licensed suppliers.

(1) Chips, tokens, dice, playing cards [and], shufflers, progressive controllers, electronic gaming devices, associated systems, and associated equipment may only be purchased from a licensed supplier of those items.

AUTHORITY: sections 313.004[, 313.805] and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [1993] 2024. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Dec. 5, 2024.

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**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.190 Minimum Standards for Electronic Gaming Devices (EGDs). The commission is amending the title, purpose statement, and sections (1)-(5), adding new sections (5), (6), and (8), and renumbering accordingly.

PURPOSE: This amendment updates standards for EGDs.

PURPOSE: This rule establishes the minimum standards for [electronic gaming devices] EGDs.

(1) [Electronic gaming devices] EGDs shall not be programmed to pay out less than eighty percent (80%) of all wagers, including bonus games, for ten (10) million handle pulls using the volatility index calculated at a ninety-five percent (95%) confidence level. The minimum payout percentage requirement shall be met regardless of the amount wagered per game.

(2) [Electronic gaming devices] EGDs that may be affected by player skill must meet the minimum payout percentage requirement even when the skill of the player provides the lowest possible return to the player from the skill portion of the game.

(3) [The probability of obtaining the maximum] Any advertised payout on [any electronic gaming device] an EGD shall [not be less than one (1)] occur, statistically, at least once in fifty (50) million games.

(4) [Electronic gaming devices] EGDs shall –

(A) Be subject to testing prior to implementation within the state and at any time thereafter by the commission or an independent testing laboratory [designated] (ITL) licensed by the commission, and subject to review and approval by the commission for adherence to the [regulatory] regulations and technical standards [adopted or approved by the commission];

(C) Utilize an industry standard communication protocol approved by the commission that is compatible with and interfaces with the communication protocol used by all [online computerized data monitoring, data management, and ticket validation systems] slot accounting systems approved by the commission for use at [licensed gaming establishments. Electronic gaming devices] an excursion gambling boat. Any new EGDs and any [peripheral equipment or devices] new slot machine interface board (SMIB), including the [equipment's or device's operating systems and] device's or board's communication software, shall, prior to approval for use within the state, be tested for interoperability with all slot accounting systems utilized in Missouri excursion gambling boats, by a [commission-approved independent testing laboratory] licensed ITL, to ensure compliance with this [subsection] chapter. Once approved, [no] modifications [shall be made] to said [gaming devices, peripheral equipment, systems] EGDs, SMIBs, or the device's or board's communication software [that would cause them to be non-compliant] shall be further tested for interoperability to ensure compliance with this [subsection] chapter, unless otherwise approved by the commission;

(E) [After January 1, 2006, c]Clearly and accurately display, via Attendant Menu, the identification number and version, as applicable, of all software and firmware contained within the [electronic gaming device] EGD and its top box which are involved in game communication or the operation and calculation of game play, game display, or game result determination;

(G) Have game data recall capable of providing all information required to fully reconstruct at least the last [five (5)] ten (10) games, retrievable upon the operation of an external key-switch or other secure method not available to the player. The [five- (5-)] ten- (10-) game recall shall reflect bonus rounds in their entirety. For [games] bonus rounds that may have [infinite] a variable number of free [games] spins, there shall be a minimum of fifty (50) [games] recallable spins for each bonus round;

(H) Have a random selection process that must not produce detectable patterns of game elements or detectable dependency upon any previous game outcome, the amount wagered, or upon the style or method of play; however, the commission may allow a game with a game feature or play mechanic with a detectable dependency if a white paper for the game feature or play mechanic is submitted to and approved by the commission prior to testing by an [independent testing laboratory (ITL)]. The commission reserves the right to require the removal of the program if it determines, in its sole discretion, that removal is in the best interest of the state of Missouri;

(I) Clearly and accurately display applicable rules of play and the award that will be paid to the player when the player obtains a specific win, including mystery awards. The displays shall clearly indicate whether awards are designated in denominational units, currency, credits, or some other unit. All [pay-table] payable information must be able to be accessed by a player prior to the player committing to a wager. Pay glass and its corresponding artwork for mechanical displays must be submitted to an [independent testing laboratory] ITL

designated by the commission for review and approval prior to implementation within the state;

(J) Display an accurate representation of each game outcome. After selection of the game outcome, the *[electronic gaming device]* EGD must not make a variable secondary decision which affects the result shown to the player;

(M) Not automatically alter *[pay-tables]* paytables or any function of the *[electronic gaming device]* EGD based on internal computation of the hold percentage.

(5) For games which utilize physical reel strips, the EGD shall have the capability to perform a reel strip and payable test for each award, which allows the Class B licensee to verify the combination and payout listed on the pay glass/pay screen matches the reel strip combination and the award credits displayed.

(6) EGDs shall not display the highest advertised award following a random access memory (RAM) clear or when exiting a tilt condition, except when returning to the last known play state.

[(5)](7) When an *[electronic gaming device]* EGD is unable to automatically provide payment of jackpots requiring the payment to be made by the excursion gambling boat, jackpot *[payout tickets]* slips must be prepared either by the *[computerized slot monitoring]* slot accounting system or manually by casino personnel. *[containing the following information:*

- (A) The location of the electronic gaming device;
- (B) The date;
- (C) The time of day;
- (D) The electronic gaming device number;
- (E) The denomination of the game played;
- (F) The amount of the jackpot payout in written and numeric form;
- (G) Total before taxes and taxes withheld, if applicable;
- (H) Amount to patron;
- (I) Total amount played and game outcome of award, if applicable;
- (J) The signature of a holder of a Class B license or the licensee employee making the payment, as approved by the commission; and
- (K) A signature of at least one (1) other riverboat gaming operation employee attesting to the accuracy of the form.]

(8) An EGD and its associated equipment or associated system shall not display a payout to the patron that is not achievable on that EGD.

[(6)](9) In addition to the requirements of this rule, all licensees shall comply with Chapter E of the Minimum Internal Control Standards as authorized by 11 CSR 45-9.105.

AUTHORITY: sections 313.004 and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2023]2024. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2024.

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

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

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TITLE 11 – DEPARTMENT OF PUBLIC SAFETY Division 45 – Missouri Gaming Commission Chapter 5 – Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.192 Electronic Gaming Device (EGD) Authentication. The commission is amending the title, purpose statement, sections (1) and (2), and adding a new section (4).

PURPOSE: This amendment removes unnecessary language and provides details on the information required to request the use of a diagnostic data device on the gaming floor.

PURPOSE: This rule establishes the minimum standards for authenticating critical program storage media (CPSM). [The objective of the technical standard is to require electronic gaming devices (EGD) manufacturers to support a port and protocol, referred to as game authentication terminal (GAT), for EGD verification. GAT would permit a commission agent to authenticate items defined as CPSM external to the EGD's locked logic area. In short, the central processing unit (CPU) board and CPSM will not be required to be removed in order to verify content.]

(1) *[Electronic gaming device (EGD)]* platforms submitted for approval *[after November 30, 2011,]* shall provide the following support for authenticating *[critical program storage media (CPSM)]*:

(A) *[Employ a]* A verification mechanism, approved by the commission, which authenticates all CPSM. The *[authentication]* verification mechanism shall –

1. Be accessible via a communication port and protocol approved by the commission;
2. Possess an approved communication port located within the locked EGD cabinet and be accessible without requiring access to the locked logic compartment;
3. Provide on-demand authentication of each EGD CPSM. This function shall not require the EGD power to be cycled and the execution time shall not exceed twenty (20) minutes;
4. Generate a unique signature for each CPSM utilizing Secure Hashing Algorithm-1 (SHA-1) with Hash-Based Message Authentication Code (HMAC), as defined by the National Institute of Standards and Technology (NIST). Hashing methodologies will be continually reevaluated by the commission; and
5. Provide support for escrowing verification results. Verification results shall be preserved and retrievable pending a subsequent verification request or a loss of power; and

(B) [Provide] A means for the use of third-party authentication tools approved by the commission.

(2) [All EGD platforms submitted for approval prior to November 30, 2011, possessing a communication port, paragraph (1)(A)2. notwithstanding, shall comply with subsection (1)(A) of this rule by July 1, 2012, by upgrading the CPSM to meet compliance unless otherwise approved in writing by the commission.] Legacy EGD platforms which do not offer a communication port are excluded from [this] the requirements in subsection (1)(A).

(4) All licensees are required to submit a request to the commission for authorization of installation and use of any diagnostic data collection device on the gaming floor. The request shall contain the following:

- (A) The licensee making the request;
- (B) Description of the device;
- (C) Installation date and time;
- (D) Expected duration of use;
- (E) Personnel performing the installation; and
- (F) A technical description as to why the device is needed.

AUTHORITY: sections 313.004 and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2010] 2024. Original rule filed March 30, 2011, effective Nov. 30, 2011. Amended: Filed Dec. 5, 2024.

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

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

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**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.193 Statistical Performance of Electronic Gaming Devices (EGDs). The commission is amending the title, purpose statement, and sections (1) and (2).

PURPOSE: This amendment clarifies the information required to be provided regarding the statistical performance of EGDs and specifies the method used to calculate the theoretical payout percentage for strategy card game-themed EGDs.

PURPOSE: This rule establishes the standards for [electronic gaming device] EGD statistical performance.

(1) Gaming equipment suppliers shall –

(A) Provide the volatility index (VI) on all Probability Accounting Report (PAR) sheets. The volatility index shall be calculated at ninety-five percent (95%) confidence level and at one- (1-)/line played, or the [electronic gaming device (EGD)] minimum bet where applicable. For EGDs with non-linear [pay tables] paytables, the bet with the lowest payout shall be used. The calculations shall be accomplished by utilizing the below formulas:

$$VI = \kappa \sigma$$

Where κ equals the z score for the required confidence level and σ is the standard deviation for the game. The standard deviation is calculated as follows:

$$\sigma = \sqrt{\sum_{i=1}^n ((\text{Net Pay}_i - \text{E.V.})^2 \times \text{probability}_i)}$$

Net Pay_i = [(the amount of each individual pay divided by the number of [coins] credits wagered)] or the total win amount of one wagered game, including all wins in any bonus rounds, divided by the number of credits wagered

E.V. = the payback percentage for the game

Probability_i = probability of each Net Pay_i

(B) Calculate PAR sheets utilizing theoretical analysis where feasible. When the Return To Player (RTP) percentage cannot be feasibly computed using theoretical analysis, the RTP percentage shall be computed such that the half-width of the ninety-five percent (95%) confidence interval is not more than .01%. Within these PAR sheets, provide standard confidence intervals at a confidence level of ninety-five percent (95%) with each interval showing 10,000, 100,000, 1,000,000, 10,000,000, and 100,000,000 games played];

(C) Obtain written authorization from the commission prior to submitting any EGDs that support features which introduce independent VIs, separate from the base game VI, to an independent testing laboratory (ITL);

(D) [All EGD software submitted for approval after January 1, 2014, shall e]Ensure each EGD payout that is calculated into the PAR sheet's RTP for the game increments the appropriate coin-out, attendant-paid jackpot, attendant-paid progressive payout, or machine-paid progressive payout meter to allow for the analysis of game performance for all EGD software submitted for approval after January 1, 2014. Any features not calculated into the PAR sheet's RTP of the game shall not increment these meters, unless otherwise approved by the commission; [and]

(E) Ensure all base game, bonus, and progressive winnings from a wager are aggregated to determine whether the EGD payout is a reportable and/or taxable event requiring the EGD to lock up, allowing for the preparation of a W-2G and state withholdings as required by section 313.826, RSMo[.];

(F) Provide to the commission and Class B licensees a PAR sheet for each game theme and any additional products which utilize a random number generator (RNG) to determine game outcome. PAR sheets shall list the software identification number of the product for which the PAR sheet applies and each payable shall include:

1. The minimum and maximum theoretical RTP;
2. An explanation of how the expected theoretical RTP was calculated for games of skill/strategy;
3. Identification of each winning combination and its award value;
4. Volatility Index; and
5. Standard confidence intervals at a confidence level of ninety-five percent (95%) with each interval showing

10,000, 100,000, 1,000,000, 10,000,000, and 100,000,000 games played;

(G) Provide to the commission the following supporting documentation for each game theme and any additional products which utilize an RNG to determine game outcome:

1. Identification of available and valid configuration options, including payline options, denominations supported, maximum bets supported, bet per line options, mandatory feature or bonus bets, and optional feature or bonus bets;

2. Progressive awards, if offered, including –

- A. Identification of each progressive supported;
- B. The recommendation or required reset value;
- C. The default incrementation rate; and
- D. The odds of winning each progressive;

3. List of symbols as placed on each reel strip, including actual reel stop positions for each symbol;

4. Identification of the base game top award and the odds of winning the base game top award; and

5. Identification of and frequency of obtaining all features and bonuses; and

(H) Calculate the theoretical payout percentage of strategy card games such as video poker using optimal strategy.

(2) *[Independent testing laboratories]* ITLs shall –

(A) Independently verify the *[manufacturers']* VI and RTP percentage, then detail the findings in the certification letter; *[and]*

(B) Provide standard confidence intervals at a confidence level of ninety-nine percent (99%) in the certification letters using this formula –

$$\text{Percent Payback} \pm \frac{VI}{\sqrt{\text{number of games played}}}$$

with the number of games played for each interval being 10,000, 100,000, 1,000,000, 10,000,000, and 100,000,000*].;* and

(C) Calculate the theoretical payout percentage of strategy card games such as video poker using optimal strategy.

AUTHORITY: sections 313.004 and 313.807, RSMo [2000] 2016, and sections 313.800 and 313.805, RSMo Supp. [2012] 2024. Original rule filed Sept. 27, 2012, effective May 30, 2013. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to [mgc.dps.mo.gov](mailto:MGCPolicy@mgc.dps.mo.gov), or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.194 Operator Content Delivery Systems. The commission is amending sections (1)-(3), (5), (7), and (8).

PURPOSE: This amendment removes unnecessary and duplicative language.

(1) For the purposes of this rule, the following words are defined as~~:]~~–

(A) Content – All images, graphics, text, and messages displayed on the electronic gaming device (EGD) game monitor(s);

(D) System window – A window that contains the underlying content, which is produced, controlled, and transmitted by a source independent of the EGD CPSM, displayed on the EGD game monitor(s); **and**

(E) Operator content delivery systems (OCDSs) – Hardware and software which is responsible for providing content to the system window~~].;~~

~~[(F) Promotional giveaway credits—Credits based on predefined criteria outlined by the rules of the promotion, where the patron provides no consideration and there is no chance or skill involved in the attainment of the credits; and~~

~~(G) Player reward credits—Credits that are earned by patrons and which increment with play based on predetermined formulas (e.g., player reward points).]~~

(2) The *[manufacturer and]* supplier of any OCDSs which include functionality to introduce communication messages between an EGD or its host *[online computer monitoring]* slot accounting system, as *[defined by 11 CSR 45-1.090 and] referenced in 11 CSR 45-5.220 [respectively]*, shall obtain a *[supplier's]* Supplier license as outlined in 11 CSR 45-4.

(3) OCDSs shall be subject to testing by the commission or a commission licensed independent testing laboratory. *[The OCDS shall be reviewed and approved by the commission prior to the implementation of the system by a Class B licensee and following implementation, prior to any changes thereto, or at any other time the commission deems appropriate. The cost for review and approval shall be borne by the submitting licensee.]*

(5) An OCDS system window being displayed while an EGD has credits shall not obstruct the view of the credit meter.

(7) An OCDS system window may be displayed at any time provided the window does not interfere with or impede the EGD from displaying information required by the Missouri Code of State Regulations (CSR) and Minimum Internal Control Standards (MICS).

(8) Any OCDS which interfaces with an EGD must do so in such a manner that does not adversely impact the requirements set forth by 11 CSR 45-5.270, the play of the game, operation of peripheral hardware or software on the EGD, or any *[computer monitoring]* slot accounting system meters.

AUTHORITY: sections 313.004 and 313.807, RSMo [2000] 2016, and sections 313.800 and 313.805, RSMo Supp. [2010] 2024. Original rule filed May 26, 2011, effective Jan. 30, 2012. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.200 Progressive [Slot Machines] Electronic Gaming Devices (EGDs). The commission is amending the title, purpose statement, and sections (2), (4), (5), (7), (8), and (12)-(15), deleting sections (1), (6), (9)-(11), and (16), adding new sections (5), (8), and (13), and renumbering accordingly.

PURPOSE: This amendment clarifies the standards for progressive EGDs and revises the language to move to appropriate regulations.

PURPOSE: This rule establishes the [process] requirements for [having] progressive [slot machines] EGDs.

[(1)] Definitions. As used in this rule—

(A) Base amount means the amount of the progressive jackpot initially offered before it increases;

(B) Incremental amount means the difference between the amount of a progressive jackpot and its base amount;

(C) Progressive jackpot means a slot machine payoff that increases over time solely as a function of the amount of wagers played on a machine or group of machines;

(D) Wide-area progressive means a system of slot machines with a progressive jackpot linked across a communication network approved by the commission which connects separate gaming establishments licensed or approved by the commission; and

(E) "United States Government Agency Securities" means negotiable, senior, non-callable, debt obligations issued by a United States agency that on the date of funding, possesses an issuer credit rating equivalent to the highest investment grade rating given by Standard & Poor's or Moody's Investors Service.]

[(2)](1) A meter that shows the accurate amount of the progressive jackpot must be conspicuously displayed at or near the [machines] EGDs to which the jackpot applies. [At a minimum, on the same day each week while the casino is closed, each licensee shall record the amount displayed on each progressive's top award jackpot meter at the licensee's establishment, except for wide-area progressive systems and stand-alone progressives where the software

for the progressive is embedded within the electronic gaming device's Critical Program Storage Media (CPSM). The top award jackpot amount shall be reconciled to the meters using the reconciliation formula provided by the supplier. In order to perform this reconciliation, the top award jackpot on these local progressive games shall require the electronic gaming device (EGD) to lock-up requiring a hand-paid jackpot. The licensee authorized to provide a wide-area progressive system shall perform the required reconciliation for each system provided by such licensee. At the conclusion of the reconciliation, if a variance exists between the amount shown on each progressive jackpot meter and the expected amount, the licensee shall document the variance amount. The licensee shall make the necessary adjustment(s) to ensure the correct amount is displayed by the end of the gaming day following the day on which the reconciliation occurred. Explanations for meter reading differences or adjustments thereto shall be maintained with the progressive meter reading sheets. In addition to the weekly reconciliation, each licensee shall record the top award jackpot progressive meter display amount once each banking day for each non-exempt progressive EGD to ensure jackpot resets occurred properly, to determine whether the meters incremented since the last reading, and to identify any obvious atypical results which could indicate there is a problem with the progressive meter. If known variances are discovered during the daily review, which require a change to the meter display of one dollar (\$1) or more, the meter display shall be adjusted by the end of the gaming day. Each licensee shall record the base amount of each progressive jackpot the licensee offers.]

[(3)](2) Suppliers shall have progressive reconciliation instructions and a method to adjust the current progressive award value(s) displayed, including hidden meters, for each progressive EGD, provide them to the Class B licensee, and make the instructions immediately available to the commission upon request.

[(4)](3) A licensee may impose a limit on the jackpot of a progressive [slot machine] EGD if the limit imposed is greater than the possible maximum jackpot payout on the [slot machine] EGD at the time the limit is imposed. The licensee must inform the public with a prominently posted notice of progressive [slot machines] EGDs that have limits. Such notice shall clearly state the amount of the limits and must be approved by the commission.

[(5)](4) A licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless –

(A) A player wins the jackpot; [or]

(B) The licensee adjusts the progressive jackpot meter to correct a malfunction or to prevent the display of an amount greater than a limit imposed pursuant to section (3) of this rule and the licensee documents the adjustment and the reasons for it; [or]

(C) The licensee's gaming operations at the establishment cease for any reason other than a temporary closure where the same licensee resumes gaming operations at the same establishment within a month; [or]

(D) The licensee distributes the incremental amount to another progressive jackpot [as approved in writing by the commission and—

1. The licensee documents the distribution;

2. Any machine offering the jackpot to which the licensee distributes the incremental amount does not require that more

money be played on a single play to win the jackpot than the machine from which the incremental amount is distributed;

3. Any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of 11 CSR 45-5.190(1); and

4. The distribution is completed within thirty (30) days after the progressive jackpot is removed from play or within a longer period as the commission for good cause may approve] that does not require a larger wager on a single play to win the jackpot; or

(E) The commission for good cause approves **in writing** a reduction, elimination, or distribution[, or procedure not otherwise described] that does not meet the requirements in this [section, which approval is confirmed in writing] rule.

(5) If the incremental amount of a progressive jackpot is moved to another EGD, the distribution shall be documented and shall occur within thirty (30) days of the jackpot being removed.

[(6) The operation of wide-area progressive slot machines is allowed subject to compliance with all other requirements of this rule, in addition to the following conditions:

(A) The wide-area system must have the ability to monitor entry into the main door of each networked slot machine as well as the logic area of each networked slot machine and report it to the central system immediately;

(B) A licensee utilizing a wide-area progressive system must suspend play on the system if a communication failure in the system cannot be corrected within a period of time approved by the commission prior to the commencement of play on the wide-area progressive system. If a communication failure occurs in a wide-area progressive system, the licensee authorized to provide the system must take a reading during the time the system is down to make sure that the jackpot amount is the same at all excursion gambling boats connected to the system before bringing the system that failed back online;

(C) The licensee authorized to provide a wide-area system must keep a hard or electronic copy log of all events for a period of at least sixty (60) days;

(D) Jackpot verification procedures must include the following:

1. When a jackpot is won, the licensee authorized to provide the wide-area system may inspect the machine when accompanied by a gaming agent. The inspection shall include examining the critical program storage media, the error events received by the central system, and any other data which could reasonably be used to ascertain the validity of the jackpot;

2. The central system shall produce reports that will clearly demonstrate the method of arriving at the payoff amount. This shall include the amount contributed beginning at the polling cycle or data transfer immediately following the previous jackpot and will include all amounts contributed up to, and including, the polling cycle or data transfer, which includes the jackpot signal. Amounts contributed to the system before the jackpot message is received will be deemed to have been contributed to the progressive amount prior to the current jackpot. Amounts contributed to the system subsequent to the jackpot message being received will be deemed to have been contributed to the progressive amount of the next jackpot;

3. The jackpot may be paid in installments as long as each machine clearly displays the fact that the jackpot will be paid in installments. In addition, the number of installments and time between installments must be clearly displayed on the face of the machine in a non-misleading manner that is approved by the commission; and

4. Two (2) jackpots that occur in the same polling cycle or

data transfer will be deemed to have occurred simultaneously and therefore, each "winner" shall receive the full amount shown on the meter unless another method of operation has been approved in advance by the commission;

(E) Approval by the commission of any wide-area progressive system shall occur in two (2) phases—

1. The "initial approval" stage, wherein the underlying gaming devices and any associated device or system, including all hardware and software, shall be subject to testing by the commission or an independent testing laboratory designated by the commission; and review and approval by the commission. Testing shall include examination for adherence to the regulatory and technical standards adopted by the commission; and

2. The "on-site testing" phase, wherein a field inspection is conducted at the central computer site as well as multiple field sites to ensure compliance with these rules. Operation of the system will be authorized only after the commission is satisfied that the system meets both the Phase I and Phase II testing requirements, as well as any other requirements that the commission may impose to assure the integrity, security, and legal operation of the wide-area progressive system;

(F) Any licensee authorized to provide a wide-area progressive system, must supply reports to the commission which support and verify the economic activity on the system;

(G) Any licensee authorized to provide a wide-area progressive system, must supply, as requested, reports and information to the commission indicating the amount of, and basis for, the current jackpot amount (the amount currently in play). Such reports shall include an "aggregate report" and a "detail report." The "aggregate report" shall show only the balancing of the system with regard to system-wide totals. The "detail report" shall be in such form as to indicate for each machine, summarized by location, the amount-in and amount-out totals as such terms are commonly understood in the industry. In addition, upon the invoicing of any licensee participating in a wide-area progressive system, each such licensee must be given a printout of each machine at that licensee's establishment linked to the system, the amount contributed by each machine to the jackpot for the period for which an invoice is remitted, and any other information required by the commission to confirm the validity of the licensee's contributions to the jackpot amount;

(H) The licensee authorized to provide a wide-area progressive system, must obtain approval from the commission as to the methods of funding the progressive prize pool and calculating and receiving payments from participating licensees for the provision of equipment and services associated with the wide-area progressive system;

(I) In calculating Adjusted Gross Receipts, a licensee may deduct its pro rata share of the present value of any progressive jackpots awarded during the month. The deducted amount shall be listed on the detailed accounting records provided by the licensee authorized to provide the wide-area progressive system. A licensee's contribution is based on the amount-in from machines at that licensee's gaming establishment which are on the wide-area progressive system, compared to the total amount-in on the whole system for the time period(s) between jackpot(s) awarded;

(J) The right to receive the jackpot payments may not be encumbered, assigned, or otherwise transferred in any way by any winner, estate, or heir(s) of a deceased winner, except to the estate or heir(s) of such person upon his/her death and that any attempt to make a prohibited transfer may result in such person forfeiting the right to receive future payments;

(K) In the event a licensee ceases operations and a progressive jackpot is awarded subsequent to the last day

of the final month of operation, the licensee may not file an amended tax return or make claim for a gaming tax refund based on its contributions to that particular progressive prize pool;

(L) The central monitoring system for the wide-area progressive system must be in a location approved by the commission. The office containing the central monitoring system shall be secure and shall have surveillance coverage that has been approved by the commission. The central monitoring system shall employ on-line data redundancy that permits a complete and prompt recovery of all information in the event of any malfunction and utilize environmental controls such as uninterruptible power supplies and fireproof and waterproof materials to protect critical hardware and software from natural disasters. The licensee authorized to provide a wide-area progressive system shall be required to keep and maintain an entry and exit log for the office in a manner approved by the commission. The commission shall at all times have the right to immediate access to the office containing the central monitoring system and the system itself. If the licensee operating the central monitoring system proposes to locate the system outside the state of Missouri, the licensee shall reimburse the commission for all reasonable and necessary expenses incurred by its agents—

1. To travel to the site to inspect the system's configuration and operation prior to authorizing use of the system;

2. To otherwise inspect the system location in connection with investigations concerning failures of the system or its operation; or

3. For such other reasons as the commission deems appropriate;

(M) The provider of the wide-area progressive system may not allow any agent or employee to work on any component of the system until that person has obtained a level II occupational license from the commission; however, the commission may require any agent or employee of the licensee to obtain a level I occupation license;

(N) The licensee authorized to provide a wide-area progressive system, must maintain a copy of all lease and contractual agreements relating to the wide-area progressive system and supply a copy to the commission upon request;

(O) The licensee authorized to provide a wide-area progressive system shall ensure the wide-area progressive system prize fund (the amount of money contributed by the participating licensees) is audited, in accordance with generally accepted auditing standards, on the fiscal year-end of the licensee, by an independent certified public accountant licensed by the Missouri State Board of Accountancy pursuant to Chapter 326, RSMo. Two (2) copies of this report must be submitted to the commission upon issuance of the audit report or ninety (90) days after the conclusion of the licensee's fiscal year, whichever occurs first. The cost of the audit shall be paid by the licensee providing the wide-area progressive system; and

(P) Gaming devices connected to a common wide-area progressive system shall:

1. All require the same maximum wager; or

2. If requiring different maximum wagers, utilize the expected value of winning the top award by setting the odds of winning the top award in proportion to the amount wagered. The method of equalizing the expected value of winning the top award shall be conspicuously displayed on each device connected to the system.]

[(7)](6) Licensees shall preserve the records required by this rule for at least five (5) years after they are made [unless the

commission approves otherwise in writing. The records should be stored in a location acceptable to the commission].

[(8)](7) During the normal mode of progressive [slot machines] EGDs, the progressive controller[,] or other approved device [must] shall continuously monitor each [machine] EGD on the link for amounts inserted and [must] shall multiply the accepted amounts by the rate of progression and denomination in order to determine the correct amounts to apply to the progressive jackpot. The progressive display [must] shall be constantly updated, in a manner approved by the commission, as play on the link is continued.

(8) The expected value of winning a progressive award shall be the same within five thousandths percent (0.005%), across wagers for all themes, paytables, and denominations, as calculated by the reset value divided by the wager divided by the odds.

[(9) Progressive slot machines shall not be multi-game or multi-denomination devices unless:

(A) The computerized slot monitoring system required by 11 CSR 45-5.220 separately and accurately accounts for the amount-in for each denomination and game, or all games offered for play by the devices contribute to the progressive jackpot; and

(B) The odds of attaining the progressive award are the same for each game, within 0.005%; and

(C) Each game requires the same maximum wager to win the progressive jackpot, or if requiring different maximum wagers, utilizes the expected value of winning the top award by setting the odds of winning the top award in proportion to the amount wagered. The method of equalizing the expected value of winning the top award shall be conspicuously displayed on each device connected to the system.

(10) The odds of winning a progressive jackpot shall not be greater than one in fifty million (1:50,000,000) unless specifically approved in writing by the commission.

(11) Each progressive controller must be housed in a secure, locked location which allows only authorized accessibility and which contains a progressive entry authorization log that is completed by any person gaining entrance to the secured location. Both the location housing progressive controllers and the form on which entry is logged shall be approved by the commission prior to use. The storage medium that contains the progressive controller program shall have a unique signature that allows program verification by an agent of the commission through use of a commission-approved verification device. After verification the storage medium shall be secured in the controller with a commission security seal. The security seal must be affixed by and may only be broken and removed by an authorized commission agent. Additionally, each progressive controller linking one (1) or more wide-area progressive slot machines must be housed in a double-keyed compartment. A gaming agent must be in possession of one (1) of the keys and no person may have access to the controller without the presence of a gaming agent. Normal operation of progressive gaming devices notwithstanding, communication to a progressive controller shall be permitted only by authorized personnel through entrance to the controller's secured location and who document such access and the purpose therefore on the progressive entry authorization log.]

[(12)](9) If this rule prescribes multiple items of information to

be displayed on an *[slot machine]* EGD, it is sufficient to have the information displayed in an alternating fashion.

[(13)](10) In addition to the metering requirements provided for in the Minimum Internal Control Standards (MICS), each *[slot machine]* EGD attached to one (1) or more *[wide-area]* progressive *[slot machine]* EGD meters must have a separate software meter that counts the number of times each primary progressive meter is activated.

[(14)](11) Each *[machine]* EGD must have a separate key and key switch to reset the progressive meter or meters or another reset mechanism approved in writing by the commission.

[(15)](12) Unless the commission has approved the payment of prizes by installments, a licensee who has a progressive *[slot machine]* EGD must maintain minimum cash reserves in accordance with 11 CSR 45-8.150. The commission must approve all such cash reserves. Notwithstanding the provisions of 11 CSR 45-5.240, *[Periodic Payments]* to the contrary, the commission shall require that the licensee authorized to provide a wide-area progressive system –

(A) Maintain in a restricted account a reserve consisting of cash, United States Government Treasury Securities, United States Government Agency Securities, **surety bonds**, *[and/or]* Missouri state debt instruments of not less than the sum of the following amounts:

1. The present value of the aggregate remaining balances owed on all jackpots previously won by patrons through the wide-area progressive system; and

2. An amount sufficient to fully fund the present value of all amounts currently reflected on the progressive meters of the wide-area progressive systems; and

(B) In addition, the licensee authorized to provide the wide-area system shall at all times satisfy and be in compliance with the following ratios and tests:

1. An interest coverage ratio of not less than three to one (3:1); *[and]*

2. Debt to EBITDA (earnings before interest, taxes, depreciation, and amortization) of not more than four to one (4:1); and

3. Satisfaction of one (1) of the following ratios and tests:

A. A current ratio of not less than two to one (2:1); *[or]*

B. Working capital that is greater than twenty percent (20%) of the licensee's total jackpot liability; or

C. Working capital in excess of one hundred (100) million dollars and a credit rating from at least two (2) of the following credit rating organizations equal to or higher than the following:

(I) Standard & Poor's Corporate BBB–;

(II) Moody's Long-Term Baa3; or

(III) Fitch Corporate BBB–.

[(16)] *The requirements of this rule shall apply equally to one (1) progressive gaming device linked to a progressive controller or which is internally controlled, as well as several progressive gaming devices linked to one (1) progressive controller within one (1) casino or multiple casinos.]*

(13) The operation of wide-area progressive EGDs is allowed only within the state of Missouri subject to compliance with all other requirements of this rule, in addition to the following conditions:

(A) The wide-area system must have the ability to monitor entry into the main door of each networked EGD as well as the logic area of each networked EGD and report

it to the central system immediately;

(B) The licensee authorized to provide a wide-area progressive system shall perform a weekly reconciliation for each system provided by such licensee to ensure the jackpot amount(s) is accurate;

(C) A licensee utilizing a wide-area progressive system must suspend play on the system if a communication failure in the system cannot be corrected within a period of time approved by the commission prior to the commencement of play on the wide-area progressive system. If a communication failure occurs in a wide-area progressive system, the licensee authorized to provide the system must take a reading during the time the system is down to make sure that the jackpot amount is the same at all excursion gambling boats connected to the system before bringing the system that failed back online;

(D) The licensee authorized to provide a wide-area system must keep a log of all events for a period of at least sixty (60) days;

(E) Jackpot verification procedures must include the following:

1. When a jackpot is won, the licensee authorized to provide the wide-area system may inspect the EGD when accompanied by a gaming agent. The inspection shall include examining the critical program storage media, the error events received by the central system, and any other data which could reasonably be used to ascertain the validity of the jackpot;

2. The central system shall produce reports that will clearly demonstrate the method of arriving at the payoff amount. This shall include the amount contributed beginning at the polling cycle or data transfer immediately following the previous jackpot and will include all amounts contributed up to and including the polling cycle or data transfer, which includes the jackpot signal. Amounts contributed to the system before the jackpot message is received will be deemed to have been contributed to the progressive amount prior to the current jackpot. Amounts contributed to the system subsequent to the jackpot message being received will be deemed to have been contributed to the progressive amount of the next jackpot; and

3. The jackpot may be paid in installments as long as each EGD clearly displays the fact that the jackpot will be paid in installments. In addition, the number of installments and time between installments must be clearly displayed on the face of the EGD in a non-misleading manner that is approved by the commission;

(F) Approval by the commission of any wide-area progressive system shall occur in two (2) phases –

1. The “initial approval” stage, wherein the underlying gaming devices and any associated device or system, including all hardware and software, shall be subject to testing by the commission or an independent testing laboratory designated by the commission; and review and approval by the commission. Testing shall include examination for adherence to the regulatory and technical standards adopted by the commission; and

2. The “on-site testing” phase, wherein a field inspection is conducted at the central computer site as well as multiple field sites to ensure compliance with these rules. Operation of the system will be authorized only after the commission is satisfied that the system meets both the Phase I and Phase II testing requirements, as well as any other requirements that the commission may impose to assure the integrity, security, and legal operation of the

wide-area progressive system;

(G) Any licensee authorized to provide a wide-area progressive system must supply reports to the commission which support and verify the economic activity on the system;

(H) Any licensee authorized to provide a wide-area progressive system must supply, as requested, reports and information to the commission indicating the amount of and basis for the current jackpot amount (the amount currently in play). Such reports shall include an "aggregate report" and a "detail report." The "aggregate report" shall show only the balancing of the system with regard to system-wide totals. The "detail report" shall be in such form as to indicate for each EGD, summarized by location, the amount-in and amount-out totals as such terms are commonly understood in the industry. In addition, upon the invoicing of any licensee participating in a wide-area progressive system, each such licensee must be given a printout of each EGD at that licensee's establishment linked to the system, the amount contributed by each EGD to the jackpot for the period for which an invoice is remitted, and any other information required by the commission to confirm the validity of the licensee's contributions to the jackpot amount;

(I) The licensee authorized to provide a wide-area progressive system must obtain approval from the commission as to the methods of funding the progressive prize pool and calculating and receiving payments from participating licensees for the provision of equipment and services associated with the wide-area progressive system;

(J) In calculating adjusted gross receipts, a licensee may deduct its pro rata share of the present value of any progressive jackpots awarded during the month. The deducted amount shall be listed on the detailed accounting records provided by the licensee authorized to provide the wide-area progressive system. A licensee's contribution is based on the amount-in from EGDs at that licensee's gaming establishment which are on the wide-area progressive system, compared to the total amount-in on the whole system for the time period(s) between jackpot(s) awarded;

(K) The right to receive the jackpot payments may not be encumbered, assigned, or otherwise transferred in any way by any winner, estate, or heir(s) of a deceased winner, except to the estate or heir(s) of such person upon his or her death and that any attempt to make a prohibited transfer may result in such person forfeiting the right to receive future payments;

(L) In the event a licensee ceases operations and a progressive jackpot is awarded subsequent to the last day of the final month of operation, the licensee may not file an amended tax return or make claim for a gaming tax refund based on its contributions to that particular progressive prize pool;

(M) The central monitoring system for the wide-area progressive system must be in a location approved by the commission. The office containing the central monitoring system shall be secure and shall have surveillance coverage that has been approved by the commission. The central monitoring system shall employ online data redundancy that permits a complete and prompt recovery of all information in the event of any malfunction and utilize environmental controls such as uninterruptible power supplies and fireproof and waterproof materials to protect critical hardware and software from natural disasters. The licensee authorized to provide a wide-area progressive

system shall be required to keep and maintain an entry and exit log for the office in a manner approved by the commission. The commission shall at all times have the right to immediate access to the office containing the central monitoring system and the system itself. If the licensee operating the central monitoring system proposes to locate the system outside the state of Missouri, the licensee shall reimburse the commission for all reasonable and necessary expenses incurred by its agents –

1. To travel to the site to inspect the system's configuration and operation prior to authorizing use of the system;

2. To otherwise inspect the system location in connection with investigations concerning failures of the system or its operation; or

3. For such other reasons as the commission deems appropriate;

(N) The provider of the wide-area progressive system may not allow any agent or employee to work on any component of the system until that person has obtained a level II occupational license from the commission; however, the commission may require any agent or employee of the licensee to obtain a level I occupational license;

(O) The licensee authorized to provide a wide-area progressive system must maintain a copy of all lease and contractual agreements relating to the wide-area progressive system and supply a copy to the commission upon request;

(P) The licensee authorized to provide a wide-area progressive system shall ensure the wide-area progressive system prize fund (the amount of money contributed by the participating licensees) is audited, in accordance with generally accepted auditing standards, on the fiscal year-end of the licensee, by an independent certified public accountant licensed by the Missouri State Board of Accountancy pursuant to Chapter 326, RSMo. Two (2) copies of this report must be submitted to the commission upon issuance of the audit report or ninety (90) days after the conclusion of the licensee's fiscal year, whichever occurs first. The cost of the audit shall be paid by the licensee providing the wide-area progressive system; and

(Q) Each progressive controller linking one (1) or more wide-area progressive EGDs must be housed in a double-keyed compartment. A gaming agent must be in possession of one (1) of the keys and no person may have access to the controller without the presence of a gaming agent. Wide-area progressive controllers on the Class B licensee's premises shall not be accessed remotely and access shall only be permitted by an authorized licensee through entrance to the controller's secured location. The progressive controller critical program storage media (CPSM) shall have a unique signature that allows verification by an agent of the commission through use of a commission-approved verification device. After verification, the CPSM shall be secured in the controller with a commission security seal. The security seal must be affixed by and may only be broken and removed by an authorized commission agent.

AUTHORITY: sections 313.004[, 313.800, 313.805,] and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. 2024. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.210 Integrity of Electronic Gaming Devices (EGDs). The commission is amending the title, purpose statement, sections (1)-(3), adding a new section (2), and renumbering accordingly.

PURPOSE: This amendment removes duplicative language and updates the standards to ensure the integrity of EGDs.

PURPOSE: This rule establishes the standards for the integrity of [electronic gaming devices] EGDs.

(1) [Electronic gaming devices] EGDs shall –

[(D)] Contain a surge protector on the line that feeds power to the electronic gaming device. A battery back-up or an equivalent shall be installed on the device for the electronic meters and shall be capable of accurately maintaining all information required for thirty (30) days after power is discontinued from the electronic gaming device. The battery back-up shall be kept within the locked logic area;]

[(E)](D) Have a secure and dedicated data protocol link to any [central computer monitoring] slot accounting system, which shall be a closed system inaccessible to unauthorized communication with any other computer, device, or mode of telecommunications unless otherwise approved by the commission;

[(F)](E) Have an on/off switch that controls the electrical current used in the operation of the [electronic gaming device] EGD and any associated equipment, which shall be located in an accessible place within its interior;

[(G)](F) Be designed so that it shall not be adversely affected by magnetic, electromagnetic, electrostatic, or radio frequency interference;

[(H)](G) If designed to accept physical tokens, have at least one (1) electronic token acceptor. Token acceptors must be designed to accept designated tokens and reject others. The token acceptor on an [electronic gaming device] EGD must be designed to prevent the use of cheating methods such as slugging, stringing, spooning, the insertion of foreign objects, and other manipulation. All token acceptors are subject to approval by the commission. Tokens [accepted but which

are inappropriate token-ins must] deemed invalid by the acceptor shall be rejected to the coin tray[, returned to the player by activation of the hopper or printer or credited toward the next play of the electronic gaming device] and shall not be counted as credits. The [electronic gaming device] EGD control program must be capable of handling rapidly fed tokens or simultaneously fed tokens so that occurrences of inappropriate token-ins are prevented. Gaming devices[,] shall have sensors capable of determining the direction and speed of token travel in the receiver and any improper direction or coin traveling at too slow of a speed shall result in the [electronic gaming device] EGD going into an error condition;

[(I)](H) Be designed so the internal space of the [electronic gaming device] EGD is not readily accessible when the front door is both closed and locked;

[(J)] Have its locked logic area(s) within the electronic gaming device and the critical program storage media housed therein sealed with commission security seals. The security seals must be affixed by an authorized commission agent and must include the date, signature, or initials and identification number of the agent. These seals may only be broken or removed by an authorized commission agent;]

[(K)](I) Have a hopper contained in a locked area within the [electronic gaming device] EGD if designed to dispense tokens. The [electronic gaming device] EGD control program shall ensure the diverter directs tokens to the hopper or, in the alternative, to the drop compartment when the token level in the hopper makes contact with the diverter's hopper-full sensor probe. Hopperless gaming devices shall always divert tokens to the drop compartment;

[(L)](J) Contain no hardware or software switches that alter the [pay-tables] paytables or payout percentages in its operation, other than as approved by the commission and which require access to a locked logic area;

[(M)](K) [Have] Conspicuously display an identification plate with the following information securely affixed by the manufacturer to the exterior of the [electronic gaming device] EGD cabinet:

1. Manufacturer;
2. Serial [N]number;
3. Model [N]number; and
4. Date of manufacturer;

[(N)](L) Contain the rules of play for each [electronic gaming device] EGD displayed on the face or screen. Rules shall be complete, clear, and easily understood. Each [electronic gaming device] EGD must also display the credits wagered and the credits awarded for the occurrence of each possible winning combination based on the number of credits wagered. All information required by this subsection must be kept under glass or another transparent substance and at no time may stickers or other removable items be placed over this information. Additionally –

1. If the game contains a bonus feature including a game within a game, the following rules shall be met:

A. The game shall display clearly to the player which game rules apply to the current game state;

B. If the game requires obtaining several events or symbols toward a bonus feature, the number of events or symbols needed to trigger the bonus feature shall be indicated along with the number of events or symbols collected at any point;

C. The game shall not adjust the likelihood of a bonus feature occurring based on the history of prizes obtained in previous games; however, the commission may allow the likelihood to be adjusted if a white paper is submitted to and approved by the commission prior to testing by an

independent testing laboratory;

D. If a bonus game is triggered after accruing a certain number of events or symbols or combination of events or symbols of a different kind, the probability of obtaining like events or symbols shall not decrease as the game progresses; and

E. The game display shall make it clear to the player that the game is in a bonus mode;

2. If a bonus feature requires extra credits to be wagered and the game accumulates all winnings to a temporary win meter, the game shall –

A. Provide a means where winnings on the temporary meter can be bet to allow for instances where the player has an insufficient credit meter balance to complete the feature;

B. Transfer all credits on the temporary meter to the credit meter upon completion of the feature; and

C. Provide the player an opportunity not to participate; **and**

3. If the game offers a menu of games to a player –

A. The methodology employed by a player to select and discard a particular game for play shall be clearly displayed on the gaming device and easily followed;

B. The gaming device shall be able to clearly display to the player, at the player's request, all games, game rules and *[pay-tables]* **paytables** before the player must commit to playing any game;

C. The player shall at all times be made aware of which game has been selected for play and is being played, as applicable;

D. The player shall not be forced to play a game just by selecting that game. The player shall be able to return to the main menu;

E. It shall not be possible to start a new game before the current play is completed and all game meters have been updated;

F. The set of games offered to the player for selection or the *[pay-table]* **paytable** can be changed only by a secure method approved by the commission, which includes turning on and off games available for play through a video screen interface; and

G. No changes to the set of games offered to the player for selection or to the *[pay-table]* **paytable** are permitted while there are credits on the player's credit meter or while a game is in progress;

[(O)] **Be capable of communication with a central computer system accessible to the commission, using an industry standard data protocol format approved by the commission;**

[(P)](M) **Be capable of continuing the current game with all current game features after a malfunction is cleared. This rule does not apply if an *[electronic gaming device]* EGD is rendered totally inoperable. The current wager and all credits appearing on the screen prior to the malfunction shall be returned to the patron;**

[(Q)](N) **If designed to accept tokens, have attached a drop bucket housed within a locked compartment separate from any other compartment of the *[electronic gaming device]* EGD to collect and retain all tokens, diverted to the drop compartment;**

[(R)](O) **Be capable of detecting and displaying the following error conditions which an attendant must clear:**

1. Token-in jam;
2. Token-out jam;
3. Hopper empty or time-out;
4. Program error;
5. Hopper runaway or extra token paid out;
6. Reverse token-in;

7. Reel error; and

8. Door open;

[(S)](P) **Use a data communication protocol which ensures that erroneous data or signals will not adversely affect the operation of the *[electronic gaming device]* EGD;**

[(T)](Q) **Display a Missouri Gaming Commission registration number permanently imprinted, affixed or impressed on the outside of each *[electronic gaming device]* EGD;**

[(U)](R) **Have the capacity to display on the front of each *[electronic gaming device]* EGD its rules of play, character combinations requiring payouts, and the amount of the related payouts. In addition, the *[holder of a]* Class B licensee shall display on each *[electronic gaming device]* EGD either –**

1. A clear description of any merchandise or thing of value offered as a payout, including the cash equivalent value of the merchandise or thing of value offered, the dates the merchandise or thing of value will be offered if the *[holder of a]* Class B licensee establishes a time limit upon initially offering the merchandise or thing of value and the availability or unavailability to the patron of the optional cash equivalent value; or

2. The name or a brief description of the merchandise or thing of value offered, provided, however, a sign containing the information specified in paragraph (1)*[(U)](R)*1. of this subsection shall be displayed in a prominent location approved by the commission near the *[electronic gaming device]* EGD;

[(V)](S) **Have a mechanical, electromechanical, or electronic device that automatically precludes a player from operating the *[electronic gaming device]* EGD after a jackpot *[requiring a manual payout and requires an attendant to reactivate the electronic gaming device]*;**

[(W)](T) **Be designed in such a manner that the microprocessor or equivalent which operates the *[electronic gaming device]* EGD is assigned a unique identification code, and that the critical program storage media (CPSM) is subject to authentication via an external third-party verification tool approved by the commission;**

[(X)](U) **If designed to accept currency, tickets, or coupons, have a bill validator[-acceptor device] into which a patron may insert such items in exchange for an equal value of *[electronic gaming device]* EGD credits. *[Electronic gaming devices]* EGDs containing a bill validator[-acceptor devices] –**

1. May accept any single denomination or combination of denominations of the following United States currency:

- A. One dollar (\$1) bills;
- B. Five dollar (\$5) bills;
- C. Ten dollar (\$10) bills;
- D. Twenty dollar (\$20) bills;
- E. Fifty dollar (\$50) bills; and
- F. One hundred dollar (\$100) bills;

2. May accept tickets and coupons in compliance with established commission regulations;

3. Shall have software programs that enable the **bill validator[-acceptor]** to differentiate between genuine and counterfeit bills to a high degree of accuracy;

4. Shall be equipped with a bill validator[-acceptor] drop box to collect the currency, tickets, and/or coupons inserted and accepted by the bill validator[-acceptor]. The bill validator[-acceptor] drop box shall –

A. Be housed in a locked compartment separate from any other compartment of the *[electronic gaming device]* EGD;

B. Be accessible by a key that will access only the bill validator[-acceptor] drop box and no other area of the *[electronic gaming device]* EGD;

C. Have a slot opening through which currency, tickets, or coupons can be inserted;

D. Be readily identifiable to the [electronic gaming device] EGD from which it was removed; and

E. Have a separate lock to secure access to the contents of the drop box, the key to which shall not access any other area of the [electronic gaming device] EGD; and

5. Shall maintain sufficient electronic metering to report the –

- A. Total monetary value of all items accepted;
- B. Total number of all items accepted;
- C. Number of bills accepted for each bill denomination;
- D. Number of items accepted for each item type; and
- E. The last five (5) items accepted; [and]

[(Y)](V) Have a tower light or candle located conspicuously on top of the gaming device that automatically illuminates when a player has won an amount or is redeeming credits the device cannot automatically pay, an error condition has occurred, or a call attendant condition has been initiated by the player. This requirement may be substituted for an audible alarm for bar-top style devices[.];

(W) Not contain or display the following content:

1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

2. Any portion of the areola of the female breast;

3. The actual or simulated touching, caressing, or fondling of another person's breast, anus, or genitals;

4. The actual or simulated displaying of the pubic hair, anus, vulva, or genitals;

5. Obscene language; or

6. Any other content deemed inappropriate by the commission;

(X) Not be capable of reproducing or reprinting gaming tickets; and

(Y) Transfer ticket information to the database or other secured component(s) of the validation system before the ticket information is removed from memory.

(2) EGD CPSM shall not execute any functionality not intended for normal game play or tournament play, such as demonstration software or show mode features.

[(2)](3) Any [electronic gaming device] EGD manufacturer holding a supplier license under the provisions of 11 CSR 45-4 et seq. shall notify the commission of any malfunction or anomaly affecting the integrity or operation of devices or systems provided under the scope of such license regardless of the gaming jurisdiction in which the malfunction or anomaly occurred or was discovered. The notification shall occur within forty-eight (48) hours of the supplier licensee being apprised of the malfunction or anomaly and shall be in a format approved by the commission.

[(3)](4) The commission shall be provided, free of charge, forensic tools which permit the recovery of non-volatile memory of [electronic gaming devices] EGDs approved for use. Such recovery techniques shall be satisfactory to the commission.

AUTHORITY: sections 313.004 and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2023]2024. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

TITLE 11 – DEPARTMENT OF PUBLIC SAFETY Division 45 – Missouri Gaming Commission Chapter 5 – Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.220 Computer Monitoring Requirements of Electronic Gaming Devices (EGDs). The commission is amending the title, purpose statement, sections (1)-(3), removing section (2), adding new sections (2) and (3), and renumbering accordingly.

PURPOSE: This amendment removes duplicative language, updates terminology for consistency with other rules, and extends the record retention for the slot accounting system.

PURPOSE: This rule establishes computer monitoring requirements of [electronic gaming devices] EGDs.

(1) The [holder of a] Class B licensee must have a computer connected to all [electronic gaming devices] EGDs in the excursion gambling boat to record and monitor the activities of these devices. Unless otherwise approved by the commission, [electronic gaming devices] EGDs shall be operated [on-line] online and in communications with a [computer monitoring] slot accounting system approved by the commission. This [computer monitoring] slot accounting system shall provide [on-line] online, real-time monitoring and data acquisition capability in the format and media approved by the commission.

[(2) The computer permitted by section (1) of this rule shall be designed and operated to automatically perform and report functions relating to electronic gaming device meters, and other exceptional functions and reports in the excursion gambling boat as follows:

(A) Record the number and total value of tokens placed in the electronic gaming device for the purpose of activating play;

(B) Record the number and total value of tokens deposited in the drop bucket of the electronic gaming device;

(C) Record the number and total value of tokens automatically paid by the electronic gaming device as the result of a jackpot;

(D) Record the number and total value of tokens to be paid manually as the result of a jackpot;

(E) Have an on-line computer alert and alarm monitoring capability to ensure direct scrutiny of any device malfunction,

tampering, or any open door to the electronic gaming device or drop area. In addition, any person opening the electronic gaming device or drop area shall make an entry to that effect in the machine entry authorization log and the entry shall include the time, date, machine identity, and reason for entry;

(F) Be capable of logging in and reporting any revenue transactions not directly monitored by token meter, such as tokens placed in the electronic gaming device as a result of a fill and any tokens removed from the electronic gaming device in the form of a credit;

(G) Identify any electronic gaming device taken off-line or placed on-line with the computer monitoring system, including, the date, time and electronic gaming device identification number; and

(H) Not be connected to or accessible by any other computer, device, or telecommunications link and possess adequate safeguards to prevent any such access, unless access has specifically been authorized by the commission under conditions that have been specified in the Class B licensee's system of internal controls and approved by the commission.]

(2) The computer required by section (1) of this rule shall be designed and operated to automatically perform and report functions relating to EGD meters and other event codes and reports including –

(A) Coin in (credits wagered);

(B) Bills in, tickets in, cashable electronic promotion in (CEP In), non-cashable electronic promotion in (NCEP In), and wagering account transfer in (WAT In);

(C) Coin out (credits won);

(D) Tickets out, cashable electronic promotion out (CEP Out), non-cashable electronic promotion out (NCEP Out), machine paid external bonus payout, wagering account transfer out (WAT Out), and machine paid progressive payout;

(E) Attendant paid external bonus payout, attendant paid progressive, attendant paid cancel credits, and attendant paid jackpots; and

(F) Number of games played.

(3) The computer required by section (1) of this rule shall be designed and operated to –

(A) Have an online computer alert and alarm monitoring capability to ensure direct scrutiny of any device malfunction, tampering, or any open door to the EGD; and

(B) Identify any EGD taken offline or placed online with the slot accounting system, including the date, time and EGD identification number.

[(3)](4) The holder of an operator's license shall store, in machine-readable format, all information required by section (2) of this rule for the period of ~~one (1)~~ **five (5)** years. The holder of an operator's license shall store all information in a secure area and certify that this information is complete and unaltered. This information shall be available in the format and media approved by the commission.

[(4)](5) The commission surveillance room for the sole accessibility of commission personnel provided in accordance with these rules shall house a secured dedicated computer monitoring line which provides computer accessibility to commission personnel to review, monitor, and record data identical to that specified in this rule.

AUTHORITY: sections 313.004 and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2023]2024. Emergency

rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 5, 2024.

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

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

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**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.225 Request for Approval of Gaming Devices, [and Associated] Equipment, and Systems. The commission is amending the title, purpose statement, sections (1)-(7), adding a new section (2), and renumbering accordingly.

PURPOSE: This amendment requires licensees to provide a document outlining how any new gaming equipment or system complies with existing regulations and clarifies what gaming equipment requires testing.

PURPOSE: This rule establishes the process for requesting approval of gaming devices, [associated] equipment, and [associated] systems for use in Missouri. This rule also addresses new technology and field trials associated with new technology.

(1) Prior to any new technology being certified for use in Missouri, the *[manufacturer]* licensee shall consult with the commission to ensure such new technology would be compliant with Missouri rules, regulations, and statutes.

(2) Prior to any associated system being certified for use in Missouri, the licensee shall submit a document to the commission listing all applicable regulations and how the system complies with each. The document shall be updated with any applicable rule changes or system modifications and submitted to the commission.

[(2)](3) The commission is the sole approval authority for all gaming devices, associated equipment, *[and]* associated systems, **bill validators, ticket printers, shufflers, and progressive controllers**. After submitting a request for approval, *[supplier, Class A, and Class B]* the licensee[s] must receive an authorization letter from the commission before such gaming devices, associated equipment, *[and]*

associated systems, **bill validators, ticket printers, shufflers, and progressive controllers** are considered “approved” for use in the state of Missouri. *[Associated systems include any systems connected to or interfacing with gaming devices.]*

[(3)](4) Gaming devices, associated equipment, *[and]* associated systems, **bill validators, ticket printers, shufflers, and progressive controllers** shall be tested and certified by a licensed independent testing laboratory (ITL) prior to submitting a request for approval as required in this rule. Gaming devices, associated equipment, *[and]* associated systems, **bill validators, ticket printers, shufflers, and progressive controllers** shall comply with the applicable Missouri statutes, regulations, and Minimum Internal Control Standards.

[(4)](5) The *[supplier, Class A, or Class B]* licensee submitting a request for approval of a gaming device, associated equipment, *[or an]* associated system, **bill validator, ticket printer, shuffler, or progressive controller** shall do so through the commission’s electronic portal.

(A) All information in the request shall be complete and accurate. *[Should such request be]* **If any information is later determined to be inaccurate, the [commission] licensee shall [be notified] immediately notify the commission.** The request shall include the following:

1. ITL’s certification documentation;
2. A complete list of hardware and software modifications requested for approval;
3. Test Script version number used by the ITL for testing;
4. Probability Accounting Report (PAR) sheets, if applicable;
5. Documentation describing the installation, configuration, and operating procedures;
6. The applicable functionality being requested; and
7. Any additional supplemental documentation clarifying the technology requested for approval (e.g., white paper).

(B) Additional information may be requested by the commission at any time, including the digital image(s) (critical executable files) of the production version of the device or system.

(C) The submitting *[supplier, Class A, or Class B]* licensee shall digitally sign a statement that the product meets all regulatory requirements.

[(5)](6) The commission may make a preliminary, nonbinding determination whether any new gaming device, associated equipment, *[or]* associated system, **bill validator, ticket printer, shuffler, or progressive controller** meets the Missouri rules, regulations, and statutes. At the commission’s sole discretion, the commission may require any new gaming device, associated equipment, *[or]* associated system, **bill validator, ticket printer, shuffler, or progressive controller** to be tested in a field trial environment(s) at a licensed gaming establishment(s). Each field trial shall be conducted for at least thirty (30) calendar days and no more than one hundred eighty (180) calendar days under terms and conditions that the commission may approve or require. The supplier shall submit a report to the commission every thirty (30) days detailing the performance of the product being tested, exception reports outlining any exception codes triggered, a list of customer complaints and inquiries regarding the performance, and other items as determined by the commission. A field trial may be terminated at any time, in which case the new gaming device, associated equipment, *[or]* associated system, **bill validator, ticket printer, shuffler, or progressive controller** will not be approved as a result of such field trial.

[(6)](7) The licensee manufacturing or offering any new gaming device, associated equipment, *[or]* associated system, **bill validator, ticket printer, shuffler, or progressive controller** shall be responsible for providing, in a format acceptable to the commission, electronic training modules denoting interrelationships between approved gaming devices and associated hardware/software and the systems. Subject-matter expert(s) may be requested for training as determined necessary by the commission. All costs associated with providing personnel and equipment shall be borne by the licensee.

[(7)](8) The testing, review, and approval shall be required prior to the implementation of any new gaming device, associated equipment, *[or]* associated system, **bill validator, ticket printer, shuffler, or progressive controller.** Once implemented, testing, review, and approval shall be required prior to any changes. Testing, review, and approval may be required at any other time the commission deems appropriate.

AUTHORITY: sections 313.004 and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2021] 2024. Original rule filed Jan. 30, 2014, effective Sept. 30, 2014. Amended: Filed Feb. 25, 2022, effective Sept. 30, 2022. Amended: Filed Dec. 5, 2024.

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

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

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**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.230 [Certification] Approval and Registration of Electronic Gaming Devices (EGDs). The commission is amending the title, purpose statement, sections (1)-(3) and (6)-(8), deleting sections (4) and (5), and renumbering accordingly.

PURPOSE: This amendment clarifies the language to more accurately reflect the process for approving and registering EGDs.

PURPOSE: This rule establishes requirements regarding the [certification] approval and registration of [electronic gaming devices] EGDs.

(1) The commission will review all *[electronic gaming devices]* EGDs for proper mechanical and electronic functioning. Before

[certification] approval of an [electronic gaming device] EGD, the commission may employ the services of an independent testing laboratory (ITL) to evaluate the device.

(2) After completing evaluations of the [electronic gaming device] EGD, the commission may [certify] approve the [electronic gaming device] EGD for registration.

(3) [Gaming shall be prohibited with any electronic gaming device which has not been] The Class B licensee shall not operate any EGD unless it is currently registered with the commission and has a commission registration number affixed to it.

[(4) The holder of a Class B license shall not operate an electronic gaming device in Missouri unless the electronic gaming device has a commission registration number.

(5) The supplier of the electronic gaming device, after receiving the appropriate documentation, will reimburse the commission for any cost incurred in any evaluation process.]

[(6)](4) The [holder of a] Class B licensee shall not alter the operation of registered [electronic gaming devices] EGDs and shall maintain the [electronic gaming devices] EGDs in a suitable condition. Each [holder of a] Class B licensee shall keep a written list in the Machine Entry Authorization Log of any repairs made to [electronic gaming devices] an EGD offered for play to the public. Repairs include, without limitation, replacement of parts that may affect the game's outcome. The [holder of a] Class B licensee shall make the list available for inspection by the commission upon request.

[(7)](5) The [holder of a] Class B licensee shall keep [a written list of] an EGD log, including the date of [each distribution] receipt, the serial number, [of each electronic gaming device, and] the commission registration number, and effective July 30, 2025, the date of disposal for each EGD.

[(8)](6) The [holder of a] Class B licensee shall not dispose of any [electronic gaming device] EGD without prior written approval of the commission.

AUTHORITY: sections 313.004 and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2023]2024. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed June 29, 2023, effective Feb. 29, 2024. Amended: Filed Dec. 5, 2024.

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

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

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**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.235 Analysis of Questioned Electronic Gaming Devices (EGDs). The commission is amending the title, purpose statement, and sections (1) and (2).

PURPOSE: This amendment modifies the process for investigating EGD anomalies.

PURPOSE: This rule establishes the process for the analysis of questioned [electronic gaming devices] EGDs.

(1) If the operation of any [electronic gaming device] EGD is questioned **due to an unexplainable game event or graphic anomaly** by any [holder of a] Class B licensee, patron, or commission agent, the questioned device [will] **shall** be examined in the presence of a commission agent and a representative of the [holder of a] Class B licensee. If the [malfunction] **question** cannot be [cleared by other means to the mutual satisfaction of the patron and the holder of a Class B license the electronic gaming device will be subjected to a critical program storage media (CPSM) memory test to verify signature comparison by a commission agent] **resolved, the EGD shall be evaluated as determined by the commission.**

(2) [In the event that the malfunction cannot be determined and corrected by this testing, the electronic gaming device may] **If the evaluation is inconclusive, a commission agent may require the EGD** be removed from service and secured in a [remote.] locked [compartment] **area to preserve its forensic integrity.** The [electronic gaming device] EGD may then be transported to [an industry-recognized] **a licensed independent testing laboratory (ITL) where the device will be fully analyzed to determine the status and cause of the malfunction. All costs for transportation and analysis [will] shall be borne by the [holder of a] Class B licensee.**

AUTHORITY: sections 313.004 and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2023]2024. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Aug. 31, 2023, effective March 30, 2024. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission,

Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.270 Safety Standards for Electronic Gaming Devices (EGDs). The commission is amending the title, purpose statement, and sections (1)-(3).

PURPOSE: This amendment shifts the responsibility for ensuring the safe design of EGDs from the Class B licensee to the Supplier licensee and amends the language to be consistent with other regulations.

PURPOSE: This rule establishes safety standards for [electronic gaming devices] EGDs.

(1) All [Class B] **Supplier** licensees shall [be responsible for ensuring] **ensure** that all [electronic gaming devices in operation on the excursion gambling boat] EGDs meet the following safety requirements:

(A) Electrical and mechanical parts and **the** design [principles] of the EGD must not subject a player to physical hazards; [and]

(B) Spilling a conductive liquid on the [electronic gaming device] EGD must not create a safety hazard or alter the integrity of the [electronic gaming device's] EGD's performance; [and]

(C) The power supply used in an [electronic gaming device] EGD must be designed to [make] **allow** minimum leakage of current in the event of an intentional or inadvertent disconnection of the [alternate] **alternating** current power ground; and

(D) [Electronic gaming devices must be] EGDs shall have **an** Underwriter[']s Laboratories [approved] **certification** or an equivalent **certification**.

(2) [All] **Each** Class B licensee[s are responsible for ensuring] **shall ensure** that a surge protector is installed on each [electronic gaming device] EGD that is in operation on the excursion gambling boat.

[(A)] Surge protection can be internal to the power supply or external.

(3) A battery backup device must be installed and capable of maintaining [accuracy of required] **accurate** electronic meter information after power is discontinued from the [electronic gaming device] EGD. The device must be kept within the locked or sealed logic board compartment and be capable of sustaining stored information for one hundred eighty (180) days.

AUTHORITY: sections 313.004 and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2023] **2024**. Original rule filed Feb. 19, 1997, effective Aug. 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Jan. 5, 1998,

effective July 30, 1999. Amended: Filed June 29, 2023, effective Feb. 29, 2024. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 5 – Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.300 Progressive Table Games. The commission is amending the purpose statement and sections (3), (6), and (8), deleting section (1), and renumbering accordingly.

PURPOSE: This amendment removes definitions that were added to 11 CSR 45-1.090 and revises language to be consistent with other regulations.

PURPOSE: This rule establishes the [process] **requirements** for offering progressive table games.

[(1) Definitions. As used in this rule—

(A) **Base amount** means the amount of the progressive jackpot initially offered before it increases;

(B) **Incremental amount** means the difference between the amount of a progressive jackpot and its base amount; and

(C) **Progressive jackpot** means a table game payoff that increases over time solely as a function of the wagers played on the progressive game at a table game or group of table games.]

[(2)](1) A meter that shows the accurate amount of the progressive jackpot must be conspicuously visible to the players at each table game to which the jackpot applies.

[(3)](2) A licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless –

(A) A player wins the jackpot; [or]

(B) The licensee adjusts the progressive jackpot meter to correct a malfunction and the licensee documents the adjustment and the reasons for it; [or]

(C) The licensee's gaming operations at the establishment cease for any reason other than a temporary closure where the same licensee resumes gaming operations at the same establishment within a month; [or]

(D) The licensee distributes the incremental amount to

another table game progressive jackpot as approved in writing by the commission and –

1. The licensee documents the distribution;

2. Any table game offering the jackpot to which the licensee distributes the incremental amount does not require that more money be played on a single play to win the jackpot than the table game from which the incremental amount is distributed; and

3. The distribution is completed within thirty (30) days after the progressive jackpot is removed from play or within a longer period as the commission for good cause may approve; or

(E) The commission for good cause approves in writing a reduction, elimination, distribution, or procedure not otherwise described in this section.

[(4)](3) Licensees shall preserve the records required by this rule for at least five (5) years after they are made unless the commission approves otherwise in writing. The records should be stored in a location acceptable to the commission.

[(5)](4) During the normal mode of progressive table games, the progressive controller, or other approved device, must continuously monitor each table gaming position on the link for the progressive amounts wagered and must multiply the accepted amounts by the rate of progression in order to determine the correct amounts to apply to the progressive jackpot. The progressive display must be constantly updated, in a manner approved in writing by the commission, as play on the link is continued.

[(6)](5) Progressive games shall not be used across multiple table games unless –

(A) The progressive monitoring system separately and accurately accounts for the total number of progressive wagers for each table game and all games offered for play contribute to the progressive jackpot; *[and]*

(B) The odds of attaining the winning combination are the same for each game; and

(C) Each game requires the same wager amount to win the progressive jackpot.

[(7)](6) The odds of winning a progressive jackpot shall not be greater than one in fifty million (1:50,000,000) unless specifically approved in writing by the commission.

[(8)](7) Each progressive controller must be housed in a secure, locked location which allows only authorized accessibility and which contains an EGD Machine Entry *[Authorization] Access Log (MEAL Book)* that is completed by any person gaining access to the secured location. Both the location housing progressive controllers and the form on which entry is logged shall be approved by the commission prior to use. The storage medium that contains the progressive controller program shall have a unique signature that allows program verification by an agent of the commission through use of a commission-approved verification device. After verification the storage medium shall be secured in the controller with a commission security seal. The security seal must be affixed by and may only be broken and removed by an authorized commission agent. Normal operation of progressive gaming devices notwithstanding, communication to a progressive controller shall be permitted only by authorized personnel through access to the controller's secured location and who document such access and the purpose therefore on the *[progressive entry authorization log] MEAL Book*.

[(9)](8) Each type of progressive game must have a unique key used to reset the progressive meter(s) or another reset mechanism approved in writing by the commission.

[(10)](9) Unless the commission has approved the payment of prizes by installments, a licensee who has a progressive table game must maintain minimum cash reserves in accordance with 11 CSR 45-8.150. The commission must approve all such cash reserves.

[(11)](10) Progressive jackpots shall not be shared between multiple Class B licensees.

AUTHORITY: section 313.004, RSMo [2000] 2016, and sections 313.800 and 313.805, RSMo Supp. [2010] 2024. Original rule filed July 28, 2010, effective Feb. 28, 2011. Amended: Filed Dec. 5, 2024.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.*

TITLE 11 – DEPARTMENT OF PUBLIC SAFETY Division 45 – Missouri Gaming Commission Chapter 9 – Internal Control System

PROPOSED AMENDMENT

11 CSR 45-9.102 Minimum Internal Control Standards (MICS) – Chapter B. The commission is amending section (1).

PURPOSE: This amendment adds sensitive keys for new products, requires automated key boxes to be accessed using biometrics, and allows proximity card access to certain areas in lieu of a sensitive key.

(1) The commission *[shall adopt and publish]* **has established** minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter B – Key Controls*, which *[has been]* is incorporated by reference *[herein, as]* **and made a part of this rule as adopted by the commission on December 4, 2024, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102 and which may be accessed at <http://www.mgc.dps.mo.gov>.** Chapter B does not incorporate any subsequent amendments or additions *[as adopted by the commission on October 31, 2018]*.

AUTHORITY: section[s] 313.004, [313.800, and 313.805.] RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. 2024.

Original rule filed Oct. 22, 2010, effective June 30, 2011. Amended: Filed Nov. 1, 2018, effective June 30, 2019. Amended: Filed Dec. 5, 2024.

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

PRIVATE COST: This proposed amendment will cost private entities eight thousand five hundred dollars (\$8,500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.*

FISCAL NOTE
PRIVATE COST

- I. Department Title: 11—Department of Public Safety
Division Title: 45—Missouri Gaming Commission
Chapter Title: 9—Internal Control System**

Rule Number and Title:	11 CSR 45-9.102 Minimum Internal Control Standards (MICS)—Chapter B
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1	Casino Corporation	\$8,500

III. WORKSHEET

\$8,000 in hardware costs and \$500 in labor costs.

IV. ASSUMPTIONS

Twelve of the thirteen casinos already require a biometric feature to access their sensitive key boxes. One casino would need to purchase a biometric reader and install it on its key box to be compliant with this requirement. The estimated cost for the casino to become compliant with this rule change was \$8,500.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 9 – Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.105 Minimum Internal Control Standards (MICS) – Chapter E. The commission is amending section (1).

PURPOSE: This amendment updates the MICS for electronic gaming devices and other related equipment in the excursion gambling boats to account for new products and technological changes.

(1) The commission [shall adopt and publish] has established minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter E – Electronic Gaming Devices (EGDs)*, which [has been] is incorporated by reference [herein, as] and made a part of this rule as adopted by the commission on December 4, 2024, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102 and which may be accessed at <http://www.mgc.dps.mo.gov>. Chapter E does not incorporate any subsequent amendments or additions [as adopted by the commission on April 24, 2019].

AUTHORITY: sections 313.004[, 313.800, 313.805,] and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. 2024. Original rule filed Oct. 22, 2010, effective June 30, 2011. Amended: Filed Sept. 27, 2012, effective May 30, 2013. Amended: Filed April 25, 2019, effective Dec. 30, 2019. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 9 – Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.108 Minimum Internal Control Standards (MICS) – Chapter H. The commission is amending section (1).

PURPOSE: This amendment updates the MICS for casino cashiering and to account for new products and technological changes.

(1) The commission has established minimum standards for internal control procedures that, in the commission's opinion, satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter H – Casino Cashiering and Credit*, which is incorporated by reference and made a part of this rule as adopted by the commission on [May 25, 2022] December 4, 2024, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. Chapter H does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 313.004[,] and 313.817, [and 313.830,] RSMo 2016, and sections 313.800, 313.805, [and] 313.812, and 313.830, RSMo Supp. [2021] 2024. Original rule filed Oct. 31, 2011, effective June 30, 2012. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 9 – Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.109 Minimum Internal Control Standards (MICS) – Chapter I. The commission is amending section (1).

PURPOSE: This amendment updates the MICS for accounting processes for new products and technological changes, and moves standards to more applicable regulations.

(1) The commission [shall adopt and publish] has established minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter I – Casino Accounting*, which [has been] is incorporated by reference [herein, as] and made a part of this rule as adopted by the commission on December 4, 2024, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102 and which may be accessed at <http://www.mgc.dps.mo.gov>. Chapter I does not incorporate any subsequent amendments or additions [as adopted by the commission on October 31, 2018].

AUTHORITY: sections 313.004[,] and 313.817, [and 313.830,] RSMo 2016, and sections 313.800, 313.805, [and] 313.812, and

313.830, RSMo Supp. [2022] 2024. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expired Feb. 26, 2015. Original rule filed July 31, 2014, effective Feb. 28, 2015. Amended: Filed Nov. 1, 2018, effective June 30, 2019. Amended: Filed Sept. 1, 2022, effective March 30, 2023. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 9 – Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.118 Minimum Internal Control Standards (MICS) – Chapter R. The commission is amending section (1).

PURPOSE: This amendment incorporates changes made in other regulations due to new products and technology.

(1) The commission has established minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter R – Forms, which is incorporated by reference and made a part of this rule as adopted by the commission on [February 23, 2022] **December 4, 2024**, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. Chapter R does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 313.004[,] and 313.817, [and 313.830,] RSMo 2016, and sections 313.800, 313.805, [and] 313.812, and **313.830**, RSMo Supp. [2021] 2024. Original rule filed June 30, 2010, effective Jan. 30, 2011. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission,

Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 9 – Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.121 Minimum Internal Control Standards (MICS) – Chapter U. The commission is amending section (1).

PURPOSE: This amendment consolidates rules related to the player reward programs and other promotions and moves standards to more appropriate regulations.

(1) The commission has established minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter U – Cashless[, Promotional,] and Bonusing Systems, which is incorporated by reference and made a part of this rule as adopted by the commission on [February 23, 2022] **December 4, 2024**, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. Chapter U does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 313.004 and 313.817, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. [2021] 2024. Original rule filed Oct. 22, 2010, effective June 30, 2011. Amended: Filed Feb. 25, 2022, effective Sept. 30, 2022. Amended: Filed Dec. 5, 2024.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Feb. 18, 2025, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 41 – General Tax Provisions**

PROPOSED AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The Director of Revenue proposes to amend section (1) to reflect the interest to be charged on unpaid, delinquent taxes in 2025.

PURPOSE: This proposed amendment establishes the annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2025.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legislative Office, 301 W. High St., Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty days (30) after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

(1) Pursuant to section 32.065, RSMo, the Director of Revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governors of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year, has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%
2012	3%
2013	3%
2014	3%
2015	3%
2016	3%
2017	4%
2018	4%
2019	5%
2020	5%
2021	3%
2022	3%
2023	6%
2024	9%
2025	8%

AUTHORITY: section 32.065, RSMo 2016. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Dec. 3, 2024, effective Jan. 1, 2025, expires June 29, 2025. Amended: Filed Dec. 3, 2024.

PUBLIC COST: This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes is 8%.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes will be 8%. The actual number of affected taxpayers is unknown.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes is 8%.</i>

III. WORKSHEET

The proposed amendment establishes the rate of interest for 2025 at eight percent (8%), which is one percent (1%) lower than the rate in 2024.

This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes will be 8% on each \$100 of delinquent taxes to public entities.

Interest on Delinquent Taxes Paid to Department of Revenue

	Current Rule 9.00%	Proposed Amendment 8.00%
Example:		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$9.00	\$8.00
Total Amount Due	\$109.00	\$108.00

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes will be 8%. The actual number of affected taxpayers is unknown.</i>

III. WORKSHEET

The proposed amendment establishes the rate of interest for 2025 at eight percent (8%).

This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2025 interest rate imposed on delinquent taxes is eight percent (8%) and will be assessed on each \$100 of delinquent taxes to private entities. The actual number of affected taxpayers is unknown.

Interest on Delinquent Taxes Paid to Department of Revenue

	Current Rule 9.00%	Proposed Amendment 8.00%
Example:		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$9.00	\$8.00
Total Amount Due	\$109.00	\$108.00

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage.

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

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

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 5 – Wildlife Code: Permits**

ORDER OF RULEMAKING

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

3 CSR 10-5.710 Resident Antlerless Elk Hunting Permit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1493-1494). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 6 – Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.415 Restricted Zones is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1495). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received comments from one (1) individual on the proposed amendment.

COMMENT #1: The commission received comments from one (1) individual who voiced general opposition to proposed changes to this rule, and who stated the area should remain a Blue Ribbon trout area.

RESPONSE: The commission thanks the individual for their comments. This is a clarification of an existing regulation. The existing regulation references the town of "Cedar Grove," which no longer exists and is correctly spelled, "Cedargrove." The current regulation is confusing, beyond the spelling error, in that there is a "Cedar Grove" campground, a "Cedar Grove" canoe access, and a "Cedargrove" low water bridge all within the same vicinity on the Current River. The proposed language will be based on the river crossing of the county road to avoid confusion of the boundary. The area enforced as the Restricted Zone and the area designated as Blue Ribbon will not change from what it has been in the past. No changes have been made as a result of this comment.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 6 – Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.535 Trout is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1495-1496). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 6 – Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.550 Other Fish is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1496). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.410 Hunting Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1496). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received comments from one (1) individual on the proposed amendment.

COMMENT #1: The commission received comment from one (1) individual who voiced opposition to proposed changes to this rule; however, specific comments were not related to removing the restriction on the use of dogs to chase, pursue, or take furbearers, squirrels, and rabbits during the firearms portion of the elk season in open counties. Specific comments were in opposition to the prohibition on the use of trail cameras on public land.

RESPONSE: The commission thanks the individual who provided input. No changes have been made as a result of this comment.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.412 Landowner Application is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1496-1497). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1497). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.455 is amended.

This rule establishes the turkey hunting seasons, limits, and provisions for hunting and is exempted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.455 by establishing the turkey hunting seasons, limits, and provisions for hunting.

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits

(1) Turkeys may be pursued, taken, killed, possessed, or transported only as permitted in this rule.

(A) Spring Season. A person possessing the prescribed turkey hunting permit may take two (2) male turkeys or turkeys with

visible beards from April 21 through May 11, 2025; provided only one (1) turkey may be taken before April 28, 2025, and only one (1) turkey may be taken per day. A turkey taken during a managed hunt will count towards an individual's spring season bag limit. Turkeys may be taken only by shotgun, with shot no larger than No. 4, atlatl, crossbow, or bow; without the use of dogs (except for the recovery of wounded turkey as specifically authorized by 3 CSR 10-7.410), bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT) on public lands and from one-half (1/2) hour before sunrise to sunset on private lands. Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(B) Fall Season. The fall season is comprised of two (2) portions. A person possessing the prescribed turkey hunting permit may take only two (2) turkeys of either sex during the fall season.

1. Archery Portion: September 15 through January 15, excluding the dates of the November portion of the firearms deer season. Turkeys may be taken only by atlatls, bows, and crossbows; without the use of dogs (except for the recovery of wounded turkey as specifically authorized by 3 CSR 10-7.410), bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. Possession of electronic calls is prohibited while hunting turkeys.

2. Firearms Portion: October 1 through October 31 in all counties except Dunklin, McDonald, Mississippi, New Madrid, Newton, Pemiscot, and Scott. Turkeys may be taken only by shotgun, with shot no larger than No. 4; without the use of dogs (except for the recovery of wounded turkey as specifically authorized by 3 CSR 10-7.410), bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to sunset. Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

3. A person, while in the act of pursuing or hunting turkey during the fall season, shall not have both a firearm and an atlatl, bow, or crossbow on his/her person except any person may carry concealable firearms, as defined in Chapter 571, RSMo, on or about his/her person while hunting. Firearms possessed under this exception may not be used to take wildlife.

(C) Youth Spring Season. The two- (2-) day youth spring season will be from April 12 through April 13, 2025. Any person possessing the prescribed turkey hunting permit and who is at least six (6) but not older than fifteen (15) years of age on the opening day of the youth spring season may take only one (1) male turkey or turkey with visible beard during the youth spring season. A turkey harvested during the youth spring season will count towards an individual's spring season bag limit; individuals hunting under the prescribed turkey hunting permit may not harvest a second bird before April 28, 2025. Turkeys may be taken only by shotgun with shot no larger than No. 4, atlatl, crossbow, or bow; without the use of dogs (except for the recovery of wounded turkey as specifically authorized by 3 CSR 10-7.410), bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to sunset. Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

This amendment was filed December 13, 2024, becomes effective **December 31, 2024**.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.705 Elk: Hunting Season is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1497-1498). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.710 Elk: Application and Draw Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1498-1499). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

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

**3 CSR 10-9.565 Licensed Hunting Preserve: Privileges
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1500-1502). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 11 – Wildlife Code: Special Regulations for
Department Areas

ORDER OF RULEMAKING

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

3 CSR 10-11.115 Closings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1502). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 11 – Wildlife Code: Special Regulations for
Department Areas

ORDER OF RULEMAKING

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

3 CSR 10-11.180 Hunting, General Provisions and Seasons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1502-1503). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received comments from one (1) individual on the proposed amendment.

COMMENT #1: The commission received comment from one (1) individual who voiced opposition to proposed changes to this rule, and who stated outdoorsman already have enough areas they aren't allowed to hunt.

RESPONSE: The commission thanks the individual who provided input. Rock Lake Conservation Area (CA) is a new conservation area in Northeast Region that immediately adjoins the western boundary of the Northeast Regional Office, on which hunting is prohibited. Plans for the area include heavy walking trail development in cooperation with the City of Kirksville, and high trail use by the public is expected. Most of the landcover is open fields and the area has residences and businesses on all sides of its irregular boundary, precluding the safe discharge of weapons. No changes have been made as a result of this comment.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 11 – Wildlife Code: Special Regulations for
Department Areas

ORDER OF RULEMAKING

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

3 CSR 10-11.186 Waterfowl Hunting is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1503-1504). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 11 – Wildlife Code: Special Regulations for
Department Areas

ORDER OF RULEMAKING

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

3 CSR 10-11.205 Fishing, Methods and Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1504). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 12 – Wildlife Code: Special Regulations for
Areas Owned by Other Entities

ORDER OF RULEMAKING

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

3 CSR 10-12.110 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2024 (49 MoReg 1504). No changes have been made to the text of the proposed amendment, so it is not reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 25 – Hazardous Waste Management
Commission
Chapter 3 – Hazardous Waste Management
System: General

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under sections 260.370 and 260.395, RSMo 2016, the department amends a rule as follows:

10 CSR 25-3.260 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1267-1270). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR.

10 CSR 25-3.260 Definitions, Modifications to Incorporations, and Confidential Business Information

(1) The regulations set forth in 40 CFR part 260, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference, subject to the following additions, modifications, substitutions, or deletions. This rule does not incorporate any subsequent amendments or additions.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 25 – Hazardous Waste Management
Commission
Chapter 4 – Methods for Identifying Hazardous
Waste

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under section 260.370, RSMo 2016, the department amends a rule as follows:

10 CSR 25-4.261 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1270-1271). Those sections

with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR and appendices needed to be added as a clarifying statement of incorporation by reference.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR and appendices were added.

10 CSR 25-4.261 Methods for Identifying Hazardous Waste

(1) The regulations set forth in 40 CFR part 261, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954 are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1) (A) applies in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.

(3) Appendixes.

(A) Appendix I to Part 261 Representative Sampling Methods. *(Reserved)*

(B) Appendixes II-III to Part 261. *(Reserved)*

(C) Appendix IV to Part 261. *(Reserved)*

(D) Appendix V to Part 261. *(Reserved)*

(E) Appendix VI to Part 261. *(Reserved)*

(F) Appendix VII to Part 261 Basis for Listing Hazardous Waste. *(Reserved)*

(G) Appendix VIII to Part 261 Hazardous Constituents. *(Reserved)*

(H) Appendix IX to Part 261 Wastes Excluded Under Sections 260.20 and 260.22. *(Reserved)*

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 25 – Hazardous Waste Management
Commission
Chapter 5 – Rules Applicable to Generators of
Hazardous Waste

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under section 260.370, RSMo 2016, and section 260.380, RSMo Supp. 2024, the department amends a rule as follows:

10 CSR 25-5.262 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1271-1274). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received seven (7) comments on the proposed amendment.

COMMENT #1: Kevin Perry, representing REGFORM, made statements in support of retaining the Missouri option. "We appreciate the Department's efforts to retain the Missouri Option for SAAs. We support your proposal. Thank you."

RESPONSE: No changes were made as a result of this comment. The comment is a statement; therefore, no narrative is being provided.

COMMENT #2: Kevin Perry, representing REGFORM, made statements in support of retaining the Missouri option. "We appreciate the Department's efforts to make clear the flexibility to use electronic 'lists' of wastes for access by emergency responders in 10 CSR 25-5.262 paragraph (M). We support your proposal. Thank you."

RESPONSE: No changes were made as a result of this comment. The comment is a statement; therefore, no narrative is being provided.

COMMENT #3: Kevin Perry, representing REGFORM, made recommendations for change. "Compulsory enforcement for what could be minor infractions or errors at 40 CFR section 262.10(g)(2) remains our greatest concern. This change could have major negative consequences for some generators. We respectfully recommend that the proposed rule language be amended to state that 40 CFR section 262.10(g)(2) is simply not adopted in Missouri. The following language could be added to the proposed 10 CSR 25-5.262(1): 'This rule does not incorporate 40 CFR section 262.10(g)(2).' Should the WMP/HWMC not support the removal of paragraph 10(g)(2), we respectfully request the adoption of the following language: 'In the event of noncompliance by a generator, as described in 40 CFR section 262.10(g)(2), the Department will consider the extent of deviation from any requirement, potential for harm, and any good faith effort on behalf of the generator to comply. Minor infractions will not automatically result in a finding that the facility is a storage facility operating without an exemption from the permit.'"

RESPONSE: No changes were made as a result of this comment. Thank you for the comment. The department has considered it and will be making no changes at this time. The department finds it essential to our program authorization. Regarding the suggested change "In the event of noncompliance by a generator ...," it is the department's intention to continue using compliance assistance to help facilities achieve compliance. Department inspectors do not enforce the requirements of a hazardous waste treatment, storage, and disposal facility upon generators who are in violation of generator requirements. Generator facilities are cited for violations of generator regulations and through compliance assistance or, when necessary, conference, conciliation, and persuasion are brought back into compliance at the regional office level or are referred to the WMP's Enforcement Unit. Historically, all avenues of obtaining compliance are pursued including administrative or civil penalties as a means of creating deterrence and maintaining a level playing field for generators statewide. WMP could not find any examples, or documentation of, a facility or event in which a generator facility was forced to comply with the regulations set forth for a hazardous waste treatment storage and disposal facility prior to all other avenues of obtaining compliance with generator regulations were exhausted. For that reason, the WMP will not be recommending modification to this regulation. Pursuant to 40 CFR 271.10(C) and 271.10(I), a state program shall have standards for generators which are at least as stringent as any amendment to 40 CFR Part 262.

COMMENT #4: Kevin Perry, representing REGFORM, made recommendations for change. "We suggest the following additions to (M): 'In the case of satellite accumulation areas that are designed for managing small quantities of waste (500 gallons or less) at multiple locations throughout of facility, identification of the general waste-generation locations is acceptable.' 'Short-term (i.e., temporary) central accumulation units used for no more than 90 days need not be identified in the quick reference guide or contingency plan.'"

RESPONSE: No changes were made as a result of this comment. The comment is a statement; therefore, no narrative is being provided. Thank you for the comment. The department has considered it and will be making no changes at this time. WMP feels that the way "(M)" as written in the rule provides enough regulatory flexibility to be beneficial to stakeholders while also maintaining the spirit of the equivalent federal regulations pertaining to contingency plans and could therefore be viewed as broader in scope than federal equivalents. WMP feels that assigning a normative or qualitative value to a specific volume of waste (i.e., small quantities or 500 gallons or less) could be viewed as less strict than federal requirements. "Federal Option" satellite accumulation areas cannot exceed 55 gallons of all waste streams. If at the conclusion of the EPA authorization, the EPA determines the "Missouri Option" for satellite accumulation to be less strict than federal requirement, then the suggested amendment could become inoperable. The WMP has similar sentiments as it pertains to creating a definition of "Short-term central accumulation units" via modification of this subpart. Two types of accumulation areas exist at Large Quantity Generator facilities: satellite accumulation areas and central accumulation areas. Central accumulation areas exist for the purpose of accumulating waste prior to shipment for a period of 90 days or less. No physical dimensions are specified as required for central accumulation areas within federal or Missouri regulation. With no defined dimensions the WMP believes there would be no ability to enforce this requirement. A simple example could be if a facility were to operate "Central Accumulation Area A" for less than 90 days, then begin operating "Central Accumulation Area B" wherein "Central Accumulation Area B" occupies <50% of the floor space "Central Accumulation Area A" formerly occupied and interprets this regulation with the suggested amendment to mean they do not need to identify either area within a contingency plan or quick reference guide (QRG). With no physical dimension definition of what makes a central accumulation area a central accumulation area, there would be no way to repeatedly and consistently make an interpretation of compliance with this requirement. One function of the QRG is to aid in the safe response by emergency personnel, and the WMP feels compelled to ensure that all central accumulation areas are noted on the QRG for better protection of human health and the environment. Pursuant to 40 CFR 271.10(C) and 271.10(I), a state program shall have standards for generators which are at least as stringent as any amendment to 40 CFR Part 262.

COMMENT #5: One anonymous comment was received via the Regulatory Action Tracking System. "There should be NO state option for satellite accumulation. It is not as strict as the federal and by authorization and state statute cannot exist legally. It makes inspections impossible, and makes compliance assistance almost impossible because most facilities can't understand the regs alone, giving 2 complicated and contradictory options makes it worse. Just because the big fee payers want it does not mean that it's best for Missouri."

RESPONSE: No changes were made as a result of these comments. The department has considered it and won't be

making those changes at this time. The WMP appreciates your comment but will not be recommending changes at this time. The WMP views the “Missouri Option” for satellite accumulation to be broader in scope than the federal equivalent, not less strict than the federal equivalent. Historically, the feedback we have received from stakeholders in Missouri as well as team members from across the state who enforce these regulations indicates that the “Missouri Option” for satellite accumulation is well-received.

COMMENT #6: One anonymous comment was received via the Regulatory Action Tracking System. “The EPA requires that Missouri’s RCRA program be at least as stringent as the federal regulations. If 40 CFR 262.10(G)(2) is not incorporated into regulations then the Missouri program will not be as stringent. Furthermore, this regulation is simply the blunt codification of what the regulations already state. Anyone who deals in hazardous waste is a facility/TSDF. Being a small quantity generator is a temporary exemption from the TSDF requirements IF they follow the SQG requirements. Failure to meet a single requirement voids that exemption... just like all other exemptions. Incorporating this regulation simplifies what is already in existence. RegForm already has free run to push the DNR politicians wherever they want. Please help protect my state from folks who don’t care about the environment. If a company cares about compliance then they have nothing to worry about. Kevin Perry represents lots of big facilities that have lots of violations and clearly want minimal regulation and maximum flexibility to violate. For them it’s about money, for the HW commission it should be about protecting Missouri for those of us who don’t have money.”

RESPONSE: No changes were made as a result of these comments. The department has considered it and won’t be making those changes at this time. The WMP appreciates your comment but will not be recommending changes at this time. The WMP chose not to address portions of the comment which are directed at organizations or individuals. The WMP agrees with your comment to the extent that the WMP will not be recommending any changes to 10 CSR 25-5.262 as it pertains to adoption of 40 CFR 262.10(g)(2). More information as to why changes are not being recommended can be found in response to Kevin Perry’s comment (#3) above.

COMMENT #7: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR.

10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste

(1) The regulations set forth in 49 CFR part 172, October 1, 2023, 40 CFR 302.4 and .5, July 1, 2024, and 40 CFR part 262, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) applies in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES

Division 25 – Hazardous Waste Management Commission

Chapter 7 – Rules Applicable to Owners or Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under sections 260.370, 260.390, and 260.395, RSMo 2016, the department amends a rule as follows:

10 CSR 25-7.264 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1274-1276). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR and appendices needed to be added as a clarifying statement of incorporation by reference.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR and appendices were added.

10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

(1) The regulations set forth in 40 CFR part 264, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) apply in this rule in addition to any other modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.

(4) Appendixes.

(A) Appendix I to Part 264 Recordkeeping Instructions. *(Reserved)*

(B) Appendixes II-III to Part 264. *(Reserved)*

(C) Appendix IV to Part 264 Cochran’s Approximation to the Behrens-Fisher Students’ t-test. *(Reserved)*

(D) Appendix V to Part 264 Examples of Potentially Incompatible Waste. *(Reserved)*

(E) Appendix VI to Part 264 Political Jurisdictions 1 in Which Compliance With Section 264.18(a) Must Be Demonstrated. *(Reserved)*

(F) Appendixes VII-VIII to Part 264. *(Reserved)*

(G) Appendix IX to Part 264 Ground-Water Monitoring List. *(Reserved)*

**TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 25 – Hazardous Waste Management
Commission**

**Chapter 7 – Rules Applicable to Owners or Operators
of Hazardous Waste Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under sections 260.370, 260.390, and 260.395, RSMo 2016, the department amends a rule as follows:

10 CSR 25-7.265 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1276-1278). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR and appendices needed to be added as a clarifying statement of incorporation by reference.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR and appendices were added.

10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

(1) The regulations set forth in 40 CFR part 265, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.

(3) Appendixes.

(A) Appendix I to Part 265 Recordkeeping Instructions. *(Reserved)*

(B) Appendix II to Part 265. *(Reserved)*

(C) Appendix III to Part 265 EPA Interim Primary Drinking Water Standards. *(Reserved)*

(D) Appendix IV to Part 265 Tests for Significance. *(Reserved)*

(E) Appendix V to Part 265 Examples of Potentially Incompatible Waste. *(Reserved)*

(F) Appendix VI to Part 265 Compounds With Henry's Law Constant Less Than 0.1 Y/X. *(Reserved)*

**TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 25 – Hazardous Waste Management
Commission**

**Chapter 7 – Rules Applicable to Owners or Operators
of Hazardous Waste Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under sections 260.370, 260.390, and 260.395, RSMo 2016, and section 260.373, RSMo Supp. 2024, the department amends a rule as follows:

10 CSR 25-7.266 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1278). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR and appendices needed to be added as a clarifying statement of incorporation by reference.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR and appendices were added.

10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

(1) The regulations set forth in 40 CFR part 266, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.

(3) Appendixes.

(A) Appendix I to Part 266 Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals. *(Reserved)*

(B) Appendix II to Part 266 Tier I Feed Rate Screening Limits for Total Chlorine. *(Reserved)*

(C) Appendix III to Part 266 Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride. *(Reserved)*

(D) Appendix IV to Part 266 Reference Air Concentrations. *(Reserved)*

(E) Appendix V to Part 266 Risk Specific Doses (10–5). *(Reserved)*

(F) Appendix VI to Part 266 Stack Plume Rise. *(Reserved)*

(G) Appendix VII to Part 266 Health-Based Limits for Exclusion of Waste-Derived Residues. *(Reserved)*

(H) Appendix VIII to Part 266 Organic Compounds for Which Residues Must Be Analyzed. *(Reserved)*

(I) Appendix IX to Part 266 Methods Manual for Compliance With the BIF Regulations. *(Reserved)*

(J) Appendix X to Part 266. *(Reserved)*

(K) Appendix XI to Part 266 Lead-Bearing Materials That May

Be Processed in Exempt Lead Smelters. *(Reserved)*

(L) Appendix XII to Part 266 Nickel or Chromium-Bearing Materials That May Be Processed in Exempt Nickel-Chromium Recovery Furnaces. *(Reserved)*

(M) Appendix XIII to Part 266 Mercury Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units. *(Reserved)*

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES

Division 25 – Hazardous Waste Management

Commission

Chapter 7 – Rules Applicable to Owners or Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under sections 260.370, 260.390, and 260.395, RSMo 2016, the department amends a rule as follows:

10 CSR 25-7.268 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1278-1279). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR and appendices needed to be added as a clarifying statement of incorporation by reference.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR and appendices were added.

10 CSR 25-7.268 Land Disposal Restrictions

(1) The regulations set forth in 40 CFR part 268, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.

(3) Appendixes.

(A) Appendixes I-II to Part 268. *(Reserved)*

(B) Appendix III to Part 268 List of Halogenated Organic Compounds Regulated Under section 268.32. *(Reserved)*

(C) Appendix IV to Part 268 Wastes Excluded From Lab Packs Under the Alternative Treatment Standards of Section 268.42(c). *(Reserved)*

(D) Appendix V to Part 268. *(Reserved)*

(E) Appendix VI to Part 268 Recommended Technologies

To Achieve Deactivation of Characteristics in Section 268.42. *(Reserved)*

(F) Appendix VII to Part 268 LDR Effective Dates of Surface Disposed Prohibited Hazardous Wastes. *(Reserved)*

(G) Appendix VIII to Part 268 LDR Effective Dates of Injected Prohibited Hazardous Wastes. *(Reserved)*

(H) Appendix IX to Part 268 Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test (Method 1310B). *(Reserved)*

(I) Appendix X to Part 268. *(Reserved)*

(J) Appendix XI to Part 268 Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to 40 CFR 268.3(c). *(Reserved)*

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES

Division 25 – Hazardous Waste Management

Commission

Chapter 7 – Rules Applicable to Owners or Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under sections 260.370, 260.390, and 260.395, RSMo 2016, and section 260.373, RSMo Supp. 2024, the department amends a rule as follows:

10 CSR 25-7.270 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1279-1281). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR.

10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program

(1) The regulations set forth in 40 CFR part 270, July 1, 2024, except for the changes made at 70 FR 53453, September 8, 2005, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES

Division 25 – Hazardous Waste Management

Commission

Chapter 11 – Used Oil**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources (department) under section 260.370, RSMo 2016, the department amends a rule as follows:

10 CSR 25-11.279 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1281-1284). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR.

10 CSR 25-11.279 Recycled Used Oil Management Standards

(1) The regulations set forth in 40 CFR parts 110.1, 112, and 279, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) applies in this rule in addition to any other modifications set forth in section (2) of this rule.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 25 – Hazardous Waste Management
Commission
Chapter 12 – Hazardous Waste Fees and Taxes

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under sections 260.370, 260.390, and 260.395, RSMo 2016, and sections 260.380, 260.391, 260.437, and 260.475, RSMo Supp. 2024, the department amends a rule as follows:

10 CSR 25-12.010 Fees and Taxes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1284-1290). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 25 – Hazardous Waste Management
Commission

Chapter 12 – Hazardous Waste Fees and Taxes**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources (department) under sections 260.370 and 260.390, RSMo 2016, and section 260.391, RSMo Supp. 2024, the department amends a rule as follows:

10 CSR 25-12.020 Hazardous Waste Compliance Inspection Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1290-1291). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 25 – Hazardous Waste Management
Commission
Chapter 16 – Universal Waste

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources (department) under section 260.370, RSMo 2016, the department amends a rule as follows:

10 CSR 25-16.273 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2024 (49 MoReg 1291-1293). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT #1: One comment was received from Nicholas Georges, Senior Vice President, Scientific and International Affairs Household & Commercial Products Association, in support of the rulemaking.

RESPONSE AND EXPLANATION OF CHANGE: No changes were made as a result of this comment. The comment is a statement; therefore, no narrative is being provided.

COMMENT #2: Internal staff recommended updating the dates to reflect the CFR publication instead of the eCFR.

RESPONSE AND EXPLANATION OF CHANGE: Dates were changed to reflect the CFR publication instead of the eCFR.

10 CSR 25-16.273 Standards for Universal Waste Management

(1) The regulations set forth in 40 CFR part 273, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by

reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1) (A) applies in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 8 – Program of All-Inclusive Care for the Elderly

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division under sections 208.201 and 660.017, RSMo 2016, and sections 208.152 and 208.153, RSMo Supp. 2024, the division amends a rule as follows:

13 CSR 70-8.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2024 (49 MoReg 1400-1402). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Social Services, MO HealthNet Division (MHD), received one (1) comment on the proposed amendment.

COMMENT #1: Molly Kempker, Strategic Initiatives Coordinator, MHD, commented that effective October 1, 2024, the Department of Health and Senior Services (DHSS) will no longer be requiring the use of the “secondary” level of care (LOC) assessment form, and will move forward with one form for all LOC assessments. MHD must follow the same assessment process as DHSS, therefore subsection (8)(A) needs to be amended to reflect the ongoing use of only one assessment form.

RESPONSE AND EXPLANATION OF CHANGE: MHD agrees that the language identifying the LOC assessment tool needs to be updated in order to reflect the updated process for assessing PACE applicants and participants. MHD has updated subsection (8)(A) to remove “Primary and Secondary,” and amended “tools are” to “tool is” to clarify that only one LOC assessment form will be required.

13 CSR 70-8.010 Program of All-Inclusive Care for the Elderly

(8) Provider Responsibilities.

(A) The PO shall be responsible for completing the SAA LOC assessment tool with the participant and/or authorized representative and submitting the determination to the SAA. The SAA LOC Assessment tool is incorporated by reference and made part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://mydss.mo.gov/mhd/forms>, April 30, 2022. This rule does not incorporate any subsequent amendments or additions.

1. The PO shall complete the LOC assessment accurately

based on the resources provided by the SAA. If the PO does not complete the assessment accurately, the SAA may deny the LOC assessment.

2. The PO shall include with the determination that it submits to the SAA any supplemental documentation that the PO used to support its assessment.

3. For purposes of determining eligibility, the LOC determination is only valid for ninety (90) days from the date of assessment.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 15 – Hospital Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201, 208.453, 208.455, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2024 (49 MoReg 1349-1356). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 15 – Hospital Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201 and 660.017, RSMo 2016, and sections 208.152 and 208.153, RSMo Supp. 2024, the division amends a rule as follows:

13 CSR 70-15.230 Upper Payment Limit (UPL) Payment Methodology is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2024 (49 MoReg 1357-1358). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the secretary of state under sections 409.4-402(e), 409.4-406(e), and 409.6-605, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-51.010 General Instructions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2024 (49 MoReg 1447). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 15 – ELECTED OFFICIALS**Division 30 – Secretary of State****Chapter 51 – Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives****ORDER OF RULEMAKING**

By the authority vested in the secretary of state under sections 409.4-402(e), 409.4-406(e), and 409.6-605, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-51.020 Applications for Registration or Notice Filings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2024 (49 MoReg 1447). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 15 – ELECTED OFFICIALS**Division 30 – Secretary of State****Chapter 51 – Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives****ORDER OF RULEMAKING**

By the authority vested in the secretary of state under sections 409.4-402(e), 409.4-406(e), and 409.6-605, RSMo 2016, the secretary amends a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2024 (49 MoReg 1447-1452). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 5 – Wildlife Code: Permits**

IN ADDITION CORRECTION

3 CSR 10-5.560 Nonresident Archer’s Hunting Permit

A proposed amendment for this rule was published in the July 1, 2024, issue of the *Missouri Register* (49 MoReg 973) with typographical errors. The previously filed amendment to this rule removed turkey from this permit type as a new turkey permit was created. When the amendment published July 1, 2024, the turkey language was inadvertently added back in. The corrected language is printed here as it will appear in the January 29, 2025, update to the *Code of State Regulations*. We apologize for any inconvenience this error has caused.

To pursue, take, possess, and transport deer during the fall deer archery season and small game (except furbearers) during prescribed seasons. Fee: two hundred eighty-eight dollars (\$288).

**TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR
SERVICES
Division 60 – Missouri Health Facilities Review
Committee
Chapter 50 – Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for March 3, 2025. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

12/18/24

#6172 HS: Mercy Hospital Washington
Washington (Franklin County)
\$1,940,814, Acquire robotic surgery unit

12/19/24

#6175 HS: Missouri Baptist Sullivan Hospital
Sullivan (Crawford County)

\$1,986,000, Acquire robotic surgery unit

#6176 HS: Parkland Health Center
Farmington (St. Francois County)
\$1,986,000, Acquire robotic surgery unit

12/20/24

#6174 HS: St. Luke’s Hospital
Chesterfield (St. Louis County)
\$3,000,000, Acquire additional robotic surgery unit

#6177 RS: 417 ResCare
Springfield (Greene County)
\$3,276,013, Establish 14-bed ALF

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by January 22, 2025. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
920 Wildwood Dr.
PO Box 570
Jefferson City, MO 65102

For additional information, contact Alison Dorge at alison.dorge@health.mo.gov.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in editable electronic file manuscript by email to adrules.dissolutions@sos.mo.gov.

**NOTICE OF CORPORATION DISSOLUTION TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST
ST. PETERS MANOR, INC**

On November 25, 2024, St. Peters Manor, Inc. filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. The dissolution was effective on December 1, 2024. You are hereby notified that if you believe you have a claim against St. Peters Manor, Inc., you must submit a summary in writing of the circumstances surrounding your claim against St. Peters Manor, Inc. to:

Hallie H. Gibbs II
3225 Emerald Lane, Suite A
Jefferson City, MO 65109

The summary of your claim must include the following information:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The date on which the event on which the claim is based occurred; and
- 4) A brief description of the basis for the claim.

All claims against St. Peters Manor, Inc. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMS AGAINST SWP X, LLC

On December 3, 2024, SWP X, LLC, a Missouri limited liability company, filed its Articles of Dissolution with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against SWP X, LLC, you must submit a summary in writing of the circumstances surrounding your claim to:

Levy Craig Law Firm
420 Main Street, Suite 400
Kansas City, MO 64111

The summary of your claim must include the following information:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The date on which the event on which the claim is based occurred; and
- 4) A brief description of the nature of the debt or the basis for the claim.

All claims against SWP X, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST
SIKESTON E & P, LLC**

On December 3, 2024, Sikeston E & P, LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. Any claims against the Company may be sent to:

Sikeston E & P, LLC,
1270 Columbine
Sikeston, Missouri 63801

Each claim must include the following information:

- 1) The name, address, and phone number of the claimant;
- 2) The amount claimed;
- 3) The date on which the claim arose;
- 4) The basis for the claim; and
- 5) The documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION AND WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST
WESTFIELD APARTMENTS, L.P.**

On September 30, 2024, Westfield Apartments, L.P. filed a Certificate of Cancellation with the Missouri Secretary of State. All claims against the partnership should be sent in writing by mail to:

Stacee Cohn Bright
7920 Ward Parkway, Suite 205
Kansas City, MO 64114

Each claim should include:

- 1) The name, address, and phone number of the claimant;
- 2) The claim amount;
- 3) The basis of the claim;
- 4) The date the claim arose; and
- 5) The documentation of the claim.

Claims against the partnership will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
A&K 2138 HIGH STREET, LLC**

On November 20, 2024, A&K 2138 High Street, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. All persons and organizations must submit to:

Company
c/o Frank C. Carnahan, Esq.
Carnahan Evans PC
2805 S. Ingram Mill Road
Springfield, Missouri 65804,

A written summary of any claims against the Company, including:

- 1) The claimant's name, address and telephone number;
- 2) The amount of claim;
- 3) The date(s) claim accrued (or will accrue);
- 4) A brief description of the nature of the debt or the basis for the claim; and
- 5) If the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CORPORATE PREMIUM SALES, LLC**

Corporate Premium Sales, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on December 2, 2024. Any and all claims against Corporate Premium Sales, LLC may be sent to:

Carmody MacDonald P.C.
Attn: Bradley W. Crandall
120 S. Central Ave., Suite 1800
St. Louis, MO 63105

Each claim must include:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The basis for the claim; and
- 4) The documentation of the claim.

A claim against Corporate Premium Sales, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
PQC, LLC**

On December 4, 2024, PQC, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. All persons and organizations must submit to:

Company
c/o Frank C. Carnahan, Esq.
Carnahan Evans PC
2805 S. Ingram Mill Road
Springfield, Missouri 65804

A written summary of any claims against the Company, including:

- 1) The claimant's name, address and telephone number;
- 2) The amount of claim;
- 3) The date(s) claim accrued (or will accrue);
- 4) A brief description of the nature of the debt or the basis for the claim; and
- 5) If the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
PRECISION HARD SURFACE INSTALLATION, LLC**

On December 5, 2024, Precision Hard Surface Installation, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. All persons and organizations must submit to:

Company,
c/o Brett Hodges, Esq., Carnahan Evans PC,
2805 S. Ingram Mill Road,
Springfield, Missouri 65804,

A written summary of any claims against the Company, including:

- 1) The claimant's name, address and telephone number;
- 2) The amount of claim;
- 3) The date(s) claim accrued (or will accrue);
- 4) A brief description of the nature of the debt or the basis for the claim; and
- 5) If the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMS AGAINST TWIN RIVER INVESTMENT, LLC

On December 9, 2024, Twin River Investment, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit a written summary of any claims against the Company to:

Twin River Investment, LLC
c/o The law office of Jesse A. Granneman, LLC
20 Manor Drive, PO Box 250
Troy, Missouri 63379

A summary shall include:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The date(s) the claim accrued;
- 4) A brief description of the nature and the basis for the claim; and
- 5) Any documentation of the claim.

Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
TARPON, LLC**

On December 4, 2024, Tarpon, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. All persons and organizations must submit to:

Company
c/o Andrew K. Bennett, Esq., Carnahan Evans PC
2805 S. Ingram Mill Road
Springfield, Missouri 65804

A written summary of any claims against the Company, including:

- 1) The claimant's name, address and telephone number;
- 2) The amount of claim;
- 3) The date(s) claim accrued (or will accrue);
- 4) A brief description of the nature of the debt or the basis for the claim; and
- 5) If the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
LINCO DIESEL PERFORMANCE MOTORSPORTS, LLC**

On December 10, 2024, LINCO DIESEL PERFORMANCE MOTORSPORTS, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit a written summary of any claims against the Company to:

LINCO DIESEL PERFORMANCE MOTORSPORTS, LLC
c/o THE LAW OFFICE OF JESSE A. GRANNEMAN, LLC
20 Manor Drive, P.O. Box 250
Troy, Missouri 63379

A summary shall include:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The date(s) the claim accrued;
- 4) A brief description of the nature and basis for the claim; and
- 5) Any documentation of the claim.

Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMS AGAINST KRAFT ENTERPRISES 1, LLC

On December 4, 2024, Kraft Enterprises 1, LLC, a Missouri limited liability company, filed its Articles of Dissolution with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Kraft Enterprises 1, LLC, you must submit a summary in writing of the circumstances surrounding your claim to:

Levy Craig Law Firm
4520 Main Street, Suite 400
Kansas City, MO 64111

The summary of your claim must include the following information:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The date on which the event on which the claim is based occurred; and
- 4) A brief description of the nature of the debt or the basis for the claim.

All claims against Kraft Enterprises 1, LLC, a Missouri limited liability company, will be barred unless the proceeding to enforce the claim commences within three (3) years after the publication of this Notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMS AGAINST KRAFTY CLEANERS, LLC

On December 4, 2024, Krafty Cleaners, LLC, a Missouri limited liability company, filed its Articles of Dissolution with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Krafty Cleaners, LLC, you must submit a summary in writing of the circumstances surrounding your claim to:

Levy Craig Law Firm
4520 Main Street, Suite 400
Kansas City, MO 64111

The summary of your claim must include the following information:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The date on which the event on which the claim is based occurred; and
- 4) A brief description of the nature of the debt or the basis for the claim.

All claims against Krafty Cleaners, LLC, a Missouri limited liability company, will be barred unless the proceeding to enforce the claim commences within three (3) years after the publication of this Notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMS AGAINST BEL-RAY CIRCLE, LC

On December 10, 2024, Bel-Ray Circle, LC, a Missouri limited liability company, filed its Articles of Dissolution with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Bel-Ray Circle, LC, you must submit a summary in writing of the circumstances surrounding your claim to:

Levy Craig Law Firm
4520 Main Street, Suite 400
Kansas City, Missouri 64111

The summary of your claim must include the following information:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The date on which the event on which the claim is based occurred; and
- 4) A brief description of the nature of the debt or the basis for the claim.

All claims against Bel-Ray Circle, LC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

NOTICE OF WINDING UP TO ALL CREDITORS AND CLAIMANTS OF 2175 N. HWY. 67, LLC

You are hereby notified that 2175 N. Hwy. 67, LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up for Limited Liability Company with the Secretary of the State of Missouri on the 11th day of December, 2024. The claim must be mailed to:

2175 N. Hwy. 67, LLC
c/o Carmody MacDonald P.C.
120 S. Central Ave., Ste. 1800
St. Louis, MO 63105

In order to file a claim with the Company, you must furnish:

- 1) The name and address of the claimant;
- 2) The amount of claim;
- 3) The basis for the claim;
- 4) The documentation of the claim; and
- 5) The date(s) on which the event(s) on which the claim is based occurred.

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

NOTICE OF WINDING UP TO ALL CREDITORS AND CLAIMANTS OF CANCILA FAMILY REAL ESTATE, LLC

You are hereby notified that Cancila Family Real Estate, LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up for Limited Liability Company with the Secretary of the State of Missouri on the 11th day of December, 2024. The claim must be mailed to:

Cancila Family Real Estate, LLC
c/o Carmody MacDonald P.C.
120 S. Central Ave., Ste. 1800
St. Louis, MO 63105

In order to file a claim with the Company, you must furnish:

- 1) The name and address of the claimant;
- 2) The amount of claim;
- 3) The basis for the claim;
- 4) The documentation of the claim; and
- 5) The date(s) on which the event(s) on which the claim is based occurred.

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST KC BURLINGTON INVESTMENTS, LLC

KC Burlington Investments, LLC, a Missouri corporation, filed its Articles of Termination with the Missouri Secretary of State on November 26, 2024. The dissolution was effective on that date. Any and all claims against KC Burlington Investments, LLC may be sent to:

J. Brian Hill, Esq.
2900 NE Brooktree Lane, Suite 100
Gladstone, Missouri 64119

Each claim should include the following information:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The basis for the claim;
- 4) The documentation supporting the claim; and
- 5) The date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against KC Burlington Investments, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

NOTICE OF DISSOLUTION OF AND CLAIMANTS AGAINST PHOENIX CAPITAL PARTNERS, LLC

On December 6, 2024, Phoenix Capital Partners, LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State. On December 12, 2024, Phoenix Capital Partners, LLC, filed its Articles of Termination with the Missouri Secretary of State. Dissolution was effective December 31, 2024. All claims against the corporation should be directed to the limited liability company. The claim must be mailed to:

Phoenix Capital Partners, LLC
c/o Kurt Rhoden
9744 N. Conant Avenue
Kansas City, Missouri 64153

All claims must include:

- 1) The name and address of the claimant;
- 2) The amount claimed;
- 3) The basis for the claim; and
- 4) The documentation of the claim.

All claims against, Phoenix Capital Partners, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP TO ALL CREDITORS AND CLAIMANTS AGAINST FAMILY FOOT HEALTHCARE, LLC

FAMILY FOOT HEALTHCARE, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on December 3, 2024. Any and all claims against FAMILY FOOT HEALTH CARE, LLC may be sent to:

Thomas A. Duda
7733 Forsyth Blvd Ste 400
Saint Louis, MO 63105

Each claim should include the following information:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The basis of the claim; and
- 4) The date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against FAMILY FOOT HEALTHCARE, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST ILEADS MEDIA, LLC

On December 10, 2024, iLeads Media, LLC (Charter No. LC001638495), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The Company requests that all persons and organizations who have claims against it present them immediately by letter to:

Dennis M. Fallon
4541 Washington Street
Kansas City, Missouri 64111

All claims must include the following information:

- 1) Name and current address of the claimant;
- 2) The amount claimed;
- 3) A clear and concise statement of the facts supporting the claim; and
- 4) The date the claim was incurred

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year – 49 (2024) and 50 (2025). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				47 MoReg 1457
DEPARTMENT OF AGRICULTURE					
2 CSR 80-2.001	State Milk Board		49 MoReg 1571		
2 CSR 80-2.002	State Milk Board		49 MoReg 1571		
2 CSR 80-2.004	State Milk Board		49 MoReg 1572		
2 CSR 80-5.010	State Milk Board		49 MoReg 1493		
2 CSR 90-10.011	Weights, Measures and Consumer Protection		49 MoReg 874	49 MoReg 1619	
2 CSR 90-10.012	Weights, Measures and Consumer Protection		49 MoReg 874	49 MoReg 1619	
2 CSR 90-10.020	Weights, Measures and Consumer Protection		49 MoReg 875	49 MoReg 1619	
2 CSR 90-10.040	Weights, Measures and Consumer Protection		49 MoReg 876	49 MoReg 1619	
2 CSR 90-30.040	Weights, Measures and Consumer Protection		49 MoReg 1441		
DEPARTMENT OF CONSERVATION					
3 CSR 10-5.210	Conservation Commission		49 MoReg 731	49 MoReg 1305	
3 CSR 10-5.560	Conservation Commission				This Issue
3 CSR 10-5.710	Conservation Commission		49 MoReg 1493	This Issue	
3 CSR 10-6.415	Conservation Commission		49 MoReg 1495	This Issue	
3 CSR 10-6.535	Conservation Commission		49 MoReg 1495	This Issue	
3 CSR 10-6.550	Conservation Commission		49 MoReg 1496	This Issue	
3 CSR 10-7.410	Conservation Commission		49 MoReg 1496	This Issue	
3 CSR 10-7.412	Conservation Commission		49 MoReg 1496	This Issue	
3 CSR 10-7.450	Conservation Commission		49 MoReg 1497	This Issue	
3 CSR 10-7.455	Conservation Commission			This Issue	
3 CSR 10-7.705	Conservation Commission		49 MoReg 1497	This Issue	
3 CSR 10-7.710	Conservation Commission		49 MoReg 1498	This Issue	
3 CSR 10-7.900	Conservation Commission		49 MoReg 793	49 MoReg 1305	
3 CSR 10-9.565	Conservation Commission		49 MoReg 1500	This Issue	
3 CSR 10-11.115	Conservation Commission		49 MoReg 1502	This Issue	
3 CSR 10-11.180	Conservation Commission		49 MoReg 1502	This Issue	
3 CSR 10-11.186	Conservation Commission		49 MoReg 1503	This Issue	
3 CSR 10-11.205	Conservation Commission		49 MoReg 1504	This Issue	
3 CSR 10-12.110	Conservation Commission		49 MoReg 1504	This Issue	
3 CSR 10-12.130	Conservation Commission		50 MoReg 15		
3 CSR 10-12.140	Conservation Commission				
DEPARTMENT OF ECONOMIC DEVELOPMENT					
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-400.125	Division of Learning Services		49 MoReg 1391		
5 CSR 20-400.500	Division of Learning Services				This Issue
5 CSR 20-400.530	Division of Learning Services				This Issue
5 CSR 20-400.540	Division of Learning Services				This Issue
5 CSR 20-400.550	Division of Learning Services				This Issue
5 CSR 20-500.130	Division of Learning Services		49 MoReg 1051	49 MoReg 1850	
5 CSR 20-500.170	Division of Learning Services		49 MoReg 1052	49 MoReg 1850	
5 CSR 20-500.180	Division of Learning Services		49 MoReg 1052	49 MoReg 1850	
5 CSR 20-500.190	Division of Learning Services		49 MoReg 1053	49 MoReg 1850	
5 CSR 20-500.200	Division of Learning Services		49 MoReg 1054	49 MoReg 1851	
5 CSR 25-100.350	Office of Childhood		50 MoReg 15		
5 CSR 30-660.090	Division of Financial and Administrative Services		49 MoReg 1504R		
DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT					
6 CSR 10-10.010	Commissioner of Education		49 MoReg 1891R 49 MoReg 1891		
MISSOURI DEPARTMENT OF TRANSPORTATION					
7 CSR 10-4.020	Missouri Highways and Transportation Commission	49 MoReg 1699	49 MoReg 1704		
7 CSR 10-25.020	Missouri Highways and Transportation Commission		49 MoReg 1393		
7 CSR 10-15.010	Missouri Highways and Transportation Commission				This Issue
7 CSR 60-2.010	Highway Safety and Traffic Division	This Issue	This Issue		
7 CSR 60-2.030	Highway Safety and Traffic Division	This Issue	This Issue		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
DEPARTMENT OF MENTAL HEALTH					
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-6.060	Director's Office		49 MoReg 1054	50 MoReg 37	
10 CSR 10-6.065	Director's Office		49 MoReg 1067	50 MoReg 37	
10 CSR 10-6.110	Director's Office		49 MoReg 1082	50 MoReg 37	
10 CSR 10-6.241	Director's Office		49 MoReg 1094	50 MoReg 38	
10 CSR 10-6.250	Director's Office		49 MoReg 1103	50 MoReg 38	
10 CSR 10-6.255	Director's Office		49 MoReg 1115	50 MoReg 38	
10 CSR 10-6.261	Director's Office		49 MoReg 1572		
10 CSR 20-6.030	Clean Water Commission		49 MoReg 1121	49 MoReg 1896	

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
10 CSR 20-8.130	Clean Water Commission		49 MoReg 1123	49 MoReg 1896	
10 CSR 20-8.200	Clean Water Commission		49 MoReg 1125	49 MoReg 1897	
10 CSR 25-3.260	Hazardous Waste Management Commission		49 MoReg 1267	This Issue	
10 CSR 25-4.261	Hazardous Waste Management Commission		49 MoReg 1270	This Issue	
10 CSR 25-5.262	Hazardous Waste Management Commission		49 MoReg 1271	This Issue	
10 CSR 25-6.263	Hazardous Waste Management Commission		50 MoReg 16		
10 CSR 25-8.124	Hazardous Waste Management Commission		50 MoReg 20		
10 CSR 25-13.010	Hazardous Waste Management Commission		50 MoReg 27R		
10 CSR 25-7.264	Hazardous Waste Management Commission		49 MoReg 1274	This Issue	
10 CSR 25-7.265	Hazardous Waste Management Commission		49 MoReg 1276	This Issue	
10 CSR 25-7.266	Hazardous Waste Management Commission		49 MoReg 1278	This Issue	
10 CSR 25-7.268	Hazardous Waste Management Commission		49 MoReg 1278	This Issue	
10 CSR 25-7.270	Hazardous Waste Management Commission		49 MoReg 1279	This Issue	
10 CSR 25-11.279	Hazardous Waste Management Commission		49 MoReg 1281	This Issue	
10 CSR 25-12.010	Hazardous Waste Management Commission		49 MoReg 1284	This Issue	
10 CSR 25-12.020	Hazardous Waste Management Commission		49 MoReg 1290	This Issue	
10 CSR 25-16.273	Hazardous Waste Management Commission		49 MoReg 1291	This Issue	
10 CSR 40-10.025	Missouri Mining Commission		49 MoReg 884	49 MoReg 1851	
10 CSR 90-2.070	State Parks		49 MoReg 1399		
10 CSR 140-2.020	Division of Energy		49 MoReg 1400		49 MoReg 1861
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-1.010	Office of the Director		49 MoReg 987	49 MoReg 1851	
11 CSR 30-8.010	Office of the Director		49 MoReg 987R	49 MoReg 1851R	
11 CSR 30-8.020	Office of the Director		49 MoReg 988R	49 MoReg 1851R	
11 CSR 30-8.030	Office of the Director		49 MoReg 988R	49 MoReg 1852R	
11 CSR 30-8.040	Office of the Director		49 MoReg 988R	49 MoReg 1852R	
11 CSR 30-19.010	Office of the Director		49 MoReg 988	49 MoReg 1852	
11 CSR 40-2.025	Division of Fire Safety		49 MoReg 1505		
11 CSR 40-6.020	Division of Fire Safety		49 MoReg 1505		
11 CSR 40-6.025	Division of Fire Safety		49 MoReg 1506		
11 CSR 40-6.031	Division of Fire Safety		49 MoReg 1506		
11 CSR 40-6.033	Division of Fire Safety		49 MoReg 1509		
11 CSR 40-6.060	Division of Fire Safety		49 MoReg 1509		
11 CSR 40-6.065	Division of Fire Safety		49 MoReg 1512		
11 CSR 45-1.090	Missouri Gaming Commission		This Issue		
11 CSR 45-5.080	Missouri Gaming Commission		This Issue		
11 CSR 45-5.190	Missouri Gaming Commission		This Issue		
11 CSR 45-5.192	Missouri Gaming Commission		This Issue		
11 CSR 45-5.193	Missouri Gaming Commission		This Issue		
11 CSR 45-5.194	Missouri Gaming Commission		This Issue		
11 CSR 45-5.200	Missouri Gaming Commission		This Issue		
11 CSR 45-5.210	Missouri Gaming Commission		This Issue		
11 CSR 45-5.220	Missouri Gaming Commission		This Issue		
11 CSR 45-5.225	Missouri Gaming Commission		This Issue		
11 CSR 45-5.230	Missouri Gaming Commission		This Issue		
11 CSR 45-5.235	Missouri Gaming Commission		This Issue		
11 CSR 45-5.270	Missouri Gaming Commission		This Issue		
11 CSR 45-5.300	Missouri Gaming Commission		This Issue		
11 CSR 45-9.102	Missouri Gaming Commission		This Issue		
11 CSR 45-9.105	Missouri Gaming Commission		This Issue		
11 CSR 45-9.108	Missouri Gaming Commission		This Issue		
11 CSR 45-9.109	Missouri Gaming Commission		This Issue		
11 CSR 45-9.118	Missouri Gaming Commission		This Issue		
11 CSR 45-9.121	Missouri Gaming Commission		This Issue		
11 CSR 45-13.030	Missouri Gaming Commission		49 MoReg 1442		
11 CSR 45-30.135	Missouri Gaming Commission		49 MoReg 1442		
11 CSR 45-30.280	Missouri Gaming Commission		49 MoReg 1443		
11 CSR 45-30.610	Missouri Gaming Commission		49 MoReg 1443		
11 CSR 50-2.010	Missouri State Highway Patrol		49 MoReg 1293	49 MoReg 1852	
11 CSR 50-2.020	Missouri State Highway Patrol		49 MoReg 1294	49 MoReg 1853	
11 CSR 50-2.060	Missouri State Highway Patrol		49 MoReg 1294	49 MoReg 1853	
11 CSR 50-2.070	Missouri State Highway Patrol		49 MoReg 1295	49 MoReg 1853	
11 CSR 50-2.090	Missouri State Highway Patrol		49 MoReg 1295	49 MoReg 1853	
11 CSR 50-2.100	Missouri State Highway Patrol		49 MoReg 1296	49 MoReg 1853	
11 CSR 50-2.110	Missouri State Highway Patrol		49 MoReg 1296	49 MoReg 1854	
11 CSR 50-2.120	Missouri State Highway Patrol		49 MoReg 1297	49 MoReg 1854	
11 CSR 50-2.140	Missouri State Highway Patrol		49 MoReg 1299	49 MoReg 1854	
11 CSR 70-2.010	Division of Alcohol and Tobacco Control		49 MoReg 1345		
11 CSR 70-2.020	Division of Alcohol and Tobacco Control		49 MoReg 1345		
11 CSR 70-2.050	Division of Alcohol and Tobacco Control		49 MoReg 1346		
11 CSR 70-2.060	Division of Alcohol and Tobacco Control		49 MoReg 1346		
11 CSR 70-2.120	Division of Alcohol and Tobacco Control		49 MoReg 1444		
11 CSR 70-2.130	Division of Alcohol and Tobacco Control		49 MoReg 1575		
11 CSR 70-2.140	Division of Alcohol and Tobacco Control		49 MoReg 1347		
11 CSR 70-2.240	Division of Alcohol and Tobacco Control		49 MoReg 1347		
11 CSR 70-2.270	Division of Alcohol and Tobacco Control		49 MoReg 1349		
DEPARTMENT OF REVENUE					
12 CSR 10-2.155	Director of Revenue		49 MoReg 887		
12 CSR 10-24.060	Director of Revenue		49 MoReg 888		
12 CSR 10-24.200	Director of Revenue		49 MoReg 637		
12 CSR 10-24.330	Director of Revenue		48 MoReg 1544	49 MoReg 101	
12 CSR 10-24.420	Director of Revenue		49 MoReg 888		

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
12 CSR 10-24.440	Director of Revenue		49 MoReg 637R		
12 CSR 10-41.010	Director of Revenue	This Issue	This Issue		
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15 CSR 30-51.172	Dishonest or Unethical Business Practices by Investment Advisers and Investment Adviser Representatives.....	.49 MoReg 1769	Nov. 6, 2024.	May 4, 2025
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22 CSR 10-2.025	Rule for Participating Higher Education Entity Entry into the Missouri Consolidated Health Care Plan.....	.49 MoReg 1774	Jan. 1, 2025.	June 29, 2025
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22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members.....	.49 MoReg 1784	Jan. 1, 2025.	June 29, 2025
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22 CSR 10-3.059	PPO 1250 Plan Benefit Provisions and Covered Charges	.49 MoReg 1796 Jan. 1, 2025.....	June 29, 2025
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22 CSR 10-3.090	Pharmacy Benefit Summary49 MoReg 1797.....	Jan. 1, 2025.....	June 29, 2025

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

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2024			
24-16	Orders state offices to be closed at 12:00 p.m. on Tuesday, December 24, 2024	December 9, 2024	50 MoReg 14
24-15	Orders state offices to be closed on Friday, November 29, 2024	November 7, 2024	49 MoReg 1890
24-14	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to ongoing and forecasted severe storm systems	November 5, 2024	49 MoReg 1889
24-13	Declares a drought alert for 88 Missouri counties in accordance with the Missouri Drought Mitigation and Response Plan and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee	October 29, 2024	49 MoReg 1802
24-12	Revokes the rescission of Executive Order 97-97	October 24, 2024	49 MoReg 1801
24-11	Rescinds 177 executive orders that are no longer necessary or applicable to the operations of the government	October 23, 2024	49 MoReg 1799
24-10	Directs the Department of Health and Senior Services to address foods containing unregulated psychoactive cannabis products and the Department of Public Safety Division of Alcohol and Tobacco to amend regulations on unregulated psychoactive cannabis products	August 1, 2024	49 MoReg 1343
24-09	Orders executive branch state offices closed on Friday, July 5, 2024	July 1, 2024	49 MoReg 1188
24-08	Extends Executive Order 24-06 and the State of Emergency until July 31, 2024	June 26, 2024	49 MoReg 1187
24-07	Extends Executive Order 23-06 and the State of Emergency until June 30, 2024	May 30, 2024	49 MoReg 954
24-06	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe storm systems	May 2, 2024	49 MoReg 847
24-05	Extends Executive Order 23-05 to address drought-response efforts until September 1, 2024	April 26, 2024	49 MoReg 792
24-04	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 29, 2024	49 MoReg 447
24-03	Declares a State of Emergency and declares Missouri will implement the Emergency Mutual Aid Compact (EMAC) agreement with the State of Texas to provide support with border operations	February 20, 2024	49 MoReg 446
24-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted winter storm systems	January 11, 2024	49 MoReg 270
24-01	Orders the Dept. of Agriculture to establish rules regarding acquisitions of agricultural land by foreign businesses	January 2, 2024	49 MoReg 136

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