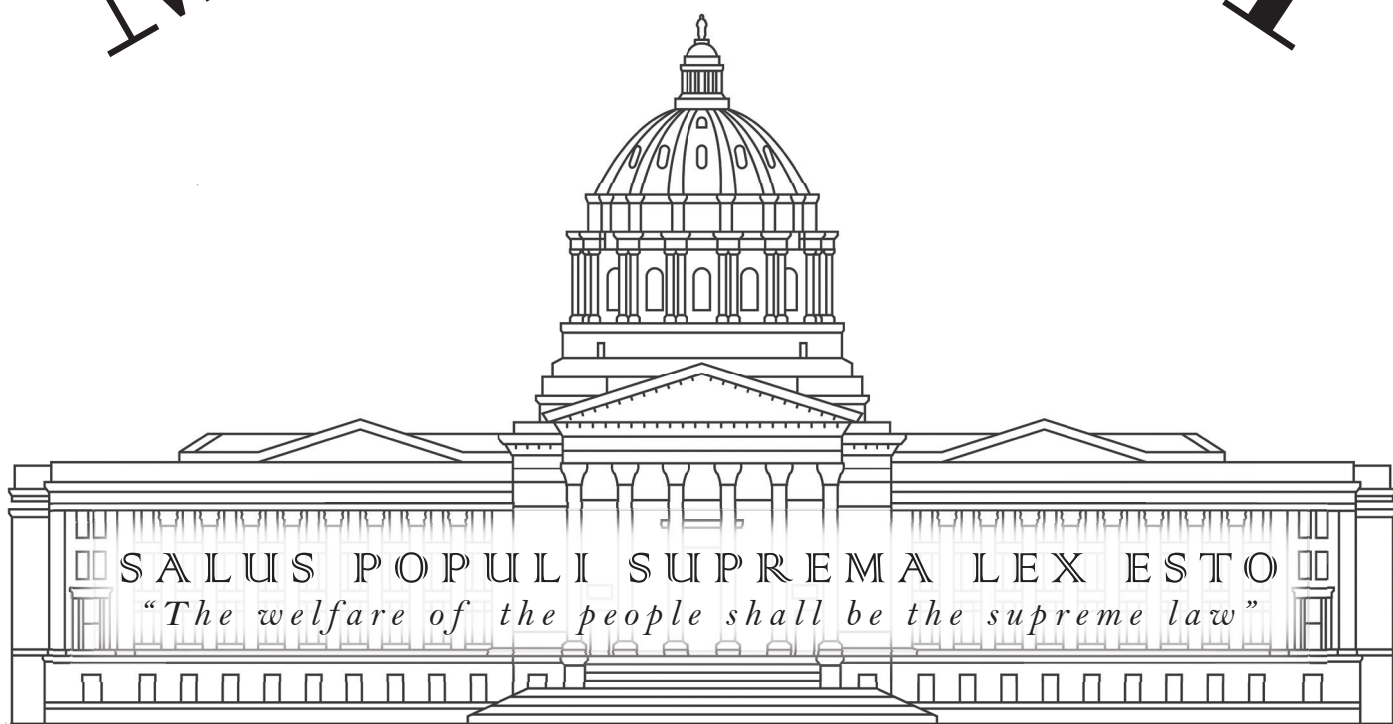


Volume 48, Number 17
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September 1, 2023

MISSOURI



REGISTER

John R. Ashcroft  Secretary of State

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



September 1, 2023

Vol. 48 No. 17 Pages 1591–1668

IN THIS ISSUE:

EXECUTIVE ORDER	1595	IN ADDITION	
PROPOSED RULES		Department of Health and Senior Services	
Department of Agriculture		Missouri Health Facilitates Review Committee.	1649
Animal Health	1596	Department of Commerce and Insurance	
Department of Economic Development		Life, Annuities and Health	1649
Division of Business and Community Solutions	1596	DISSOLUTIONS	1650
Department of Revenue		SOURCE GUIDES	
Director of Revenue.	1606	RULE CHANGES SINCE UPDATE	1653
Department of Social Services		EMERGENCY RULES IN EFFECT	1659
MO HealthNet Division	1614	EXECUTIVE ORDERS	1660
Department of Health and Senior Services		REGISTER INDEX	1662
Office of the Director	1614		
Department of Commerce and Insurance			
Public Service Commission	1619		
ORDERS OF RULEMAKING			
Department of Higher Education and Workforce Development			
University of Missouri	1646		
Department of Mental Health			
Director, Department of Mental Health	1647		
Department of Revenue			
Director of Revenue	1647		
Department of Social Services			
MO HealthNet Division	1647		
Department of Commerce and Insurance			
State Committee of Psychologists	1648		

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
August 1, 2023 August 15, 2023	September 1, 2023 September 15, 2023	September 30, 2023 September 30, 2023	October 30, 2023 October 30, 2023
September 1, 2023 September 15, 2023	October 2, 2023 October 16, 2023	October 31, 2023 October 31, 2023	November 30, 2023 November 30, 2023
October 2, 2023 October 16, 2023	November 1, 2023 November 15, 2023	November 30, 2023 November 30, 2023	December 30, 2023 December 30, 2023
November 1, 2023 November 15, 2023	December 1, 2023 December 15, 2023	December 31, 2023 December 31, 2023	January 30, 2024 January 30, 2024
December 1, 2023 December 15, 2023	January 2, 2024 January 16, 2024	January 30, 2024 January 30, 2024	February 29, 2024 February 29, 2024
January 2, 2024 January 16, 2024	February 1, 2024 February 15, 2024	March 31, 2024 March 31, 2024	March 30, 2024 March 30, 2024

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	<i>Code of</i>	10-	4	115
Department	<i>State</i>	Agency	General area	Specific area
	<i>Regulations</i>	division	regulated	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*.

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

EXECUTIVE ORDER
23-07

WHEREAS, Section 105.454(5), RSMo, requires the Governor to designate those members of his staff who have supervisory authority over each department, division, or agency of state government for purposes of the application of such subdivision.

NOW THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby designate the following members of my staff as having supervisory authority over the following departments, divisions, or agencies of state government for the purposes of Section 105.454(5), RSMo:

Office of Administration	Evan Rodriguez
Department of Agriculture	Alex Tuttle
Department of Conservation	Jamie Birch
Department of Corrections	Alex Tuttle
Department of Economic Development	Aaron Willard
Department of Elementary and Secondary Education	Jamie Birch
Department of Health and Senior Services	Alex Tuttle
Department of Higher Education	Aaron Willard
and Workforce Development	
Department of Commerce and Insurance	Jamie Birch
Department of Labor and Industrial Relations	Jamie Birch
Department of Mental Health	Alex Tuttle
Department of National Guard	Evan Rodriguez
Department of Natural Resources	Evan Rodriguez
Department of Public Safety	Evan Rodriguez
Department of Revenue	Alex Tuttle
Department of Social Services	Alex Tuttle
Department of Transportation	Aaron Willard
Missouri Housing Development Commission	Jamie Birch
Boards Assigned to the Governor	Kyle Aubuchon
Unassigned Boards and Commissions	Kyle Aubuchon



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 28th day of July, 2023.

A handwritten signature in blue ink, reading "Michael L. Parson".

MICHAEL L. PARSON
GOVERNOR

ATTEST: _____

A handwritten signature in black ink, reading "John R. Ashcroft".
JOHN R. ASHCROFT
SECRETARY OF STATE

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 2 – DEPARTMENT OF AGRICULTURE

Division 30 – Animal Health

Chapter 1 – Organization and Description

PROPOSED AMENDMENT

2 CSR 30-1.010 General Organization. The director is amending sections (1)–(3)

PURPOSE: This amendment provides clarification on location and names of all Animal Health Laboratories and state veterinarian's office location.

(1) The Division of Animal Health is a unit of the Department of Agriculture, state of Missouri. The animal health *[program's]* **division's** primary responsibility is to control and eradicate livestock diseases to *[insure]* **ensure** optimum health of Missouri's livestock population. This responsibility is carried

out through various *[sub]*programs such as disease control and eradication, animal health laboratories, livestock market *[licensing and surveillance registration of livestock dealers, rendering plant licensing and dead animal surveillance and registration of livestock brands]* and **dealer registration, rendering plant licensing, meat and poultry inspection, registration of livestock brands, and dead animal surveillance.**

(2) The state veterinarian's office is *[in the Department of Agriculture on the 3rd floor of the Missouri Boulevard Staff]* **housed within the George Washington Carver State Office Building** located at 1616 Missouri Boulevard, Jefferson City, MO 65102.

(3) Two (2) laboratories are maintained by the state veterinarian's office and are located at the following addresses: *[Veterinary Diagnostic Laboratory]* **Animal Health Diagnostic Laboratory**, 101 North Chestnut, Jefferson City, MO 65101; *[Post Office Box 630, Jefferson City, MO 65102;]* and *[Veterinary Diagnostic Laboratory]* **Animal Health Diagnostic Laboratory**, 701 North Miller Avenue, *[Post Office Box 2510,]* Springfield, MO 65802-2510.

AUTHORITY: section 536.023, RSMo *[Supp. 2010]* **2016**. Original rule filed April 9, 1976, effective July 15, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 21, 2023.

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 by website at <https://agriculture.mo.gov/proposed-rules/> or by mail to the Missouri Department of Agriculture, ATTN: Dr. Steve Strubberg, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days of publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community

[Services] Solutions

Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.010 Overview and Definitions. The department is amending the division title and sections (1)–(2).

PURPOSE: This proposed amendment will ensure consistency in definitions as between the statutes and the regulations, add definitions to reflect the three different stages when applications can be submitted, and update some definitions to reflect technological advancements in filing and processing of applications.

(1) The Missouri Historic Preservation Tax Credit (HTC) Program was enacted in 1997 and took effect on January 1, 1998. The law may be found in sections 253.545 to *[253.561]* **253.559**, RSMo. The law is intended to aid in the rehabilitation of historic structures in the state of Missouri by providing an incentive in

the form of state tax credits equal to twenty-five percent (25%) of the *[total costs and expenses of rehabilitation]* **qualified rehabilitation expenditures (QREs)**, provided that such *[costs and]* expenses exceed fifty percent (50%) of the total basis in the property. *[The Department of Economic Development (DED) is responsible for the issuance of the credits based upon certification of the rehabilitation by the Department of Natural Resources, State Historic Preservation Office.]*

(2) As used in this chapter, the following terms mean^[.]—

(A) **Applicant.** The *[entity or individual(s) that owns or has site control of the eligible property (as defined in section 253.545(3), RSMo) on which qualified rehabilitation expenditures have been incurred which are expected to generate tax credits. Proof of ownership shall include evidence that applicant is the fee simple owner of the eligible property, such as a warranty deed or closing statement. Proof of site control may be evidenced by a leasehold interest for a term of not less than thirty (30) years, provided that such leasehold interest is not determined to be a disqualified lease as defined in section 168(h) of the Internal Revenue Code of 1986, as amended, or an option to acquire such an interest. If the applicant is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property.]* **taxpayer seeking an authorization or issuance of tax credits by the department;**

(B) **Certified Historic Structure.** Property located in Missouri and listed individually on the National Register of Historic Places;

^[(B)](C) **Department.** The Department of Economic Development^[.];

^[(C)](D) **Developer Fee Agreement.** A written agreement for services between the developer and the applicant *[in the form provided by the department.]*;

^[(D)](E) **Director.** The director of the department^[.];

(F) **Eligible Property.** Property located in Missouri and offered or used for residential or business purposes;

(G) **Excess Tax Credits.** As authorized in section 253.559.10, RSMo, excess tax credits may be awarded when the amount of QREs for a project exceed the amount of QREs attributable to the amount of tax credits the department authorized and issued for the project in response to the preliminary application and final application. The amount of excess tax credits is based upon the excess amount of QREs for the project;

(H) **Excess Tax Credits Application.** A request for issuance of excess tax credits. The excess tax credits application must be on the electronic form provided by the department;

^[(E)](I) **Final Application.** A request for issuance of tax credits by an applicant whose project is complete *[and whose preliminary application has been approved by the department.]* after having received an authorization of tax credits for the project. The final application must be on the electronic form provided by the department^[.];

^[(F)](J) **Final Completion.** For the purposes of issuing state historic preservation tax credits, the project is considered complete when all work has been done on the project. The final year construction costs are incurred is the year credits will be issued^[.] (i.e., if costs are still being incurred in 2007 then regardless of placed in service date or date of substantial completion, the credits will be issued as 2007 credits if those expenses are being claimed for tax credits^[.]). Please note: completion dates have been established for the state historic program only. Federal guidelines vary. Final completion is separately determined for each construction period of a phased project. Costs associated with one (1) construction

period may not be carried to another construction period of a project. Each construction period is considered a separate project for audit purposes and must stand alone to meet all requirements of the *[HTC Program] program*. Any exceptions must be submitted to the department before the final cost certification is submitted and must be approved in writing by the department^[.];

^[(G)] **Guidelines.** The program guidelines, which shall be published on the department's website.]

^[(H)](K) **Hard Costs.** Qualified rehabilitation expenditures, or QREs, related to the structural components of a building, including^[.] but not limited to^[.] walls, partitions, floors, ceilings, windows, doors, components of central air conditioning or heating systems, plumbing, electrical wiring and lighting fixtures, chimneys, stairs, escalators, elevators, sprinkling systems, fire escapes, and other components related to the operation or maintenance of the building^[.];

^[(I)](L) **Identity of Interest, or Related Party.** An identity of interest, or related party, may exist when^[.]—

1. The applicant has any financial interest in the other party (i.e., general contractor, subcontractor, **or** vendor);

2. One (1) or more of the officers, directors, stockholders, or partners of the applicant is also an officer, director, stockholder, or partner of the other party;

3. Any officer, director, stockholder, or partner of the applicant has any financial interest whatsoever in the other party or has controlling interest in the management or operation of the other party;

4. The other party advances any funds to the applicant;

5. The other party provides and pays on behalf of the applicant the cost of any legal services, architectural services, or engineering services other than those of a surveyor, general superintendent, or engineer employed by a general contractor in connection with obligations under the construction contract;

6. The other party takes stock or any interest in the applicant as part of consideration to be paid;

7. There exists or comes into being any side deal, agreement, contract, or undertaking entered into thereby altering, amending, or canceling any of the original documents submitted to the department in the preliminary application, except as approved by the department;

8. Any party involved in the project would be deemed to constructively own the stock of another party involved in the project as set forth in section 304(c) of the *Internal Revenue Code of 1986*, as amended; or

9. Any party involved in the project has a stockholder, member, partner, officer, or director that is related by blood, adoption, or marriage to a stockholder, member, partner, officer, or director of another party involved in the project^[.]—

^[(J)](M) **Inactive Project.** Any project deemed pending as described in written communication from the department to the applicant or that has received a tax credit authorization that, in either case, has remained idle without communication from the applicant to the department providing a justified reason for such idleness, such justification to be reasonably determined by the department, for a period of at least nine (9) months from the date the last written correspondence was sent by the department to the applicant regarding the project^[.];

^[(K)] **Incomplete Application.** A preliminary application received by the department that is not submitted in accordance with the preliminary application or its instructions, regulations, or the department's guidelines published on its website.]

^[(L)](N) **Incurred.** Has the same meaning as set forth in U.S. Treasury Regulation 26 CFR 1.461-1(a)(2)(i), **or any successor**

regulation[.];

[(M)](O) Non-Qualified Expenditures. All costs included in total project costs which are not qualified rehabilitation expenditures are considered non-qualified expenditures, including[.] but not limited to[.] a list of non-qualified expenditures under the program published by the department in the program guidelines, which shall be effective for the state fiscal year beginning on July 1 following such publication and may be updated for subsequent state fiscal years in the reasonable determination of the department. Each project shall be held to the non-qualified expenditures effective on the date the project's preliminary application was submitted. Costs of acquisition shall constitute a non-qualified expenditure[.];

[(N)](P) Not-for-profit. A not-for-profit entity, including but not limited to a not-for-profit corporation formed under [c] Chapter 355, RSMo[.];

[(O)](Q) Phased Project. A project for which the **preliminary application[s for tax credits]** submitted to the department provides for the project to be completed and reviewed in more than one (1) construction period, as described in 4 CSR 85-5.080[.];

(R) Postmark. For applications received by the department through a web application, the postmark shall be the date the application was submitted, as recorded by the web application;

[(P)](S) Preliminary Application. A request by an applicant for an authorization of tax credits, on the **electronic form [approved and made available]** provided by the department[.];

[(Q)](Preliminary Approval). The department's authorization of tax credits for a particular project under the program[.]

[(R)](T) Program. The Missouri Historic Preservation Tax Credit Program [as set forth] authorized in sections 253.545 to 253.559, RSMo[.];

[(S)](U) Project. [The structure or property on which qualified rehabilitation expenditures are to be incurred which is expected to generate tax credits.] A certified historic structure or structure in a certified historic district that is eligible property;

(V) Projected Net Fiscal Benefit. The total net fiscal benefit to the state or municipality, less any state or local benefits offered to the taxpayer for a project. The projected net fiscal benefit shall be determined as provided in 4 CSR 85-5.030;

(W) Qualified Census Tract, or QCT. A census tract with a poverty rate of twenty percent (20%) or higher as determined by a map and listing of census tracts which shall be published by the department and updated on a five- (5-) year cycle, and which map and listing shall depict census tracts with twenty percent (20%) poverty rate or higher, grouped by census tracts with twenty percent (20%) to forty-two percent (42%) poverty, and forty-two percent (42%) to eighty-one (81%) percent poverty as determined by the most current five- (5-) year figures published by the American Community Survey conducted by the United States Census Bureau;

(X) QCT Tax Credit Cap. The maximum amount of tax credits the department may authorize solely for projects located in QCTs in a state fiscal year, which is up to thirty million dollars (\$30 million) as set forth in subdivision (2) of subsection 2 of section 253.550, RSMo;

[(T)](Y) Qualified Rehabilitation Expenditures, or QREs. Those expenditures that are used as eligible basis on which to calculate [the Missouri Historic Preservation Tax Credit] tax credits. Such costs include[.] but shall not be limited to[.] qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, as

determined by the department[.];

[(U)](Z) Soft Costs. QREs other than hard costs, including[.] but not limited to[.] architect fees, engineering fees, construction management costs, utilities incurred during rehabilitation, property taxes, reasonable developer fees, construction period interest, [and] financing costs related to construction financing, **contractor overhead, and contractor profit[.];**

(AA) State. The state of Missouri;

(BB) State Fiscal Year. The time period beginning July 1 of one year through June 30 of the following year;

(CC) Statewide Tax Credit Cap. The maximum amount of tax credits the department may authorize for projects located in the state, as set forth in subdivision (1) of subsection 2 of section 253.550, RSMo, adjusted as authorized in subdivision (3) of subsection 2 of section 253.550, RSMo. The statewide tax credit cap and the QTC tax credit cap are separate caps;

(DD) Structure in a Certified Historic District. A structure located in Missouri which is certified by the State Historic Preservation Office as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

(EE) Substantial Completion. One (1) of the following –

1. An architect's certificate of substantial completion;
2. An architect's certificate of final completion; or
3. A local political subdivision's issuance of a certificate

of occupancy;

[(V)](FF) Tax Credits. State historic preservation tax credits authorized under the program[.];

(GG) Taxpayer. Any person, firm, partnership, trust, estate, limited liability company, or corporation; and

[(W)](HH) Total Project Costs. All costs, whether accrued or paid, pertaining to the redevelopment of the property for which an application for tax credits has been submitted. Total project costs include all QREs and all non-qualified expenditures, including the shell acquisition cost. It does not include any cash reserves established or to be established for the project, such as replacement reserves, lease-up reserves, lease commission reserves, or other cash held by, or for, the applicant.

AUTHORITY: section 135.487, RSMo 2016, sections 135.802 and 620.010, RSMo Supp. [2019] 2023. Original rule filed July 8, 2008, effective Feb. 28, 2009. Emergency amendment filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Amended: Filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 4 – DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 85 – Division of Business and Community
[Services] Solutions**

Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.020 Applications. The department is amending the division title and sections (1)–(13).

PURPOSE: This proposed amendment will make the rule reflect the three different stages when an application may be submitted, clarifying the steps within and the requirements for each application type or stage, in order to make it easier for prospective applicants to follow the rule's requirements. This rule includes significant substantive changes: (a) the addition of a fifteen-business day opportunity to cure an incomplete application; (b) the elimination of a three-tier scoring system, replaced with a simpler passing and failing score system; (c) the elimination of a two one-month application cycles per fiscal year, replacing it with a single cycle open for 12 months; (d) changing the order in which tax credits are allocated from a statutory set-aside for projects in qualified census tracts; (e) allowing a project to be authorized tax credits upon a conditional approval from the State Historic Preservation Office or the National Park Service, rather than only upon an unconditional approval from SHPO; and (f) adding the ability to receive tax credits for certain hard costs incurred one year before a preliminary application for tax credits is submitted.

(1) [All applicants shall submit a preliminary application. The department will automatically reject all incomplete applications. Sections (2) through (7) of this rule shall not apply to projects to receive less than two hundred seventy-five thousand dollars (\$275,000) of tax credits.] **Preliminary Application.**

(A) All applicants seeking an authorization of tax credits for a project shall submit a preliminary application to the department.

(B) The department shall post on its website a checklist of required information for a preliminary application. If a preliminary application submitted to the department is incomplete, the department will give an applicant one (1) opportunity to provide information or documents to cure any deficiencies within fifteen (15) business days of being notified by the department. The department will reject all preliminary applications that remain incomplete after one (1) opportunity to cure.

(C) A complete preliminary application shall be evaluated by the department for eligibility of the project.

1. Eligibility criteria for a preliminary application include that the project is an eligible property, is a certified historic structure or structure in a certified historic district, meets the requirements in section 253.559.2, RSMo, and other statutory requirements.

(D) Subsection (1)(E) of this rule shall not apply to projects to receive less than two hundred seventy-five thousand dollars (\$275,000) of tax credits.

(E) The preliminary application shall include the following:

1. A signed letter of support for the project from the chief elected official of the jurisdiction in which the project is located, as set forth in 4 CSR 85-5.060(1)(B);

2. The type and amount of local incentives or public financing committed to the project;

3. Private financing and developer equity;

4. The estimated number of net new jobs created in the state as a result of the project;

5. The amount of projected net fiscal benefit of the project to the municipality, as determined by the applicant. The projected net fiscal benefit to the municipality shall include the potential multiplier effect for the project and shall clearly state the period in which the municipality would realize such net fiscal benefit;

6. Information regarding the vacancy or underutilization prior to rehabilitation; and

7. A statement of whether the project's address is located in an economically distressed area as set forth in 4 CSR 85-5.050(1)(A) through (E), and if so, which type of area, as well as evidence of same.

[(2)](F) A complete preliminary application will be evaluated for eligibility and scored [and considered] by the department in accordance with section 253.559.3(1), RSMo. The scoring criteria for preliminary applications shall be published annually on the department's website. Based on their scores, the department will place preliminary applications into one of three tiers: Tier 1, Tier 2, or Tier 3.], subsection (1)(I) of this rule, and 5 CSR 85-5.030, 5.040, 5.050, and 5.060.

[(3) A Tier 1 preliminary application that has been received by the department, but has not been approved due to an exhaustion of the program cap, will be placed in line for review until there is sufficient program cap space due to a rescission of authorized tax credits for such state fiscal year in which the program cap has been exhausted or until the next state fiscal year with sufficient program cap space. Tier 2 and Tier 3 preliminary applications that have been received by the department, but have not been approved due to an exhaustion of the program cap, will not be further considered.

(4) The department shall accept preliminary applications in two (2) cycles for each state fiscal year. An applicant shall apply to the program on the preliminary application form approved and made available by the department.

(A) Specific application submission schedules shall be established by the department and published not less than two (2) months prior to the beginning of each application period. Preliminary applications for the first cycle must be submitted to the department and postmarked no earlier than June 1, 2019, for allocations to be awarded for the fiscal year starting July 1, 2019, or no earlier than October 1 for allocations to be awarded on or after January 1, 2020.]

(G) The department shall accept preliminary applications and excess tax credits applications in one (1) cycle for each state fiscal year. The application cycle for each state fiscal year shall open no later than July 1 and shall close on June 30.

[(B)](H) Pursuant to section 253.559.1, RSMo, preliminary applications and excess tax credits applications within each cycle shall be prioritized for review [and approval] in the order of the date on which the application was postmarked, with the oldest postmarked date within the cycle receiving priority. For preliminary applications and excess tax credit applications postmarked on the same day, the lottery process used to determine the order in which an application was received by the department will rely on digital timestamps, with the applications being reviewed from oldest to newest, regardless of whether the application is a preliminary application or an excess tax credits application.

[(C) Preliminary applications postmarked on the same day shall go through a lottery process to determine the order in which such preliminary applications shall be reviewed. Upon

the department's review, if more than one (1) preliminary application receives the same score, such applications shall be approved in the order determined by the lottery process.]

[(5)](I) Subject to sufficient *[program cap space,]* **QCT tax credit cap or statewide tax credit cap, as applicable,** preliminary applications for projects meeting the following requirements are not subject to the application cycle[s] set forth in **subsection [(4)](1)(G)** of this rule and shall be accepted by the department at any time:

[(A)]1. The applicant or an entity with a direct or indirect controlling interest in applicant has received a formal, written proposal for business development incentives executed by the director of the department with regard to the project;

[(B)]2. The project will be occupied by the applicant or an entity with a direct or indirect controlling interest in applicant upon completion; and

[(C)]3. The applicant or an entity with a direct or indirect controlling interest in applicant has committed to relocating to Missouri from another state.

(J) Prior to an application cycle, the department shall post on its website the program guidelines, the checklist required by subsection (1)(B) of this rule, scoring criteria, and a scorecard for the cycle.

1. The scoring criteria and scorecard shall set forth the maximum points assigned to the required criteria in section 253.559.3, RSMo.

2. The program guidelines, scoring criteria, and scorecard shall state the minimum amount of points necessary for a project to be authorized tax credits. Projects scoring below that threshold will be denied.

[(6)](K) The department *[shall review preliminary applications in the order established by the lottery system described in section (4) of this rule; however, the department]* shall not authorize tax credits for a project in a **preliminary application** until such preliminary application has received written, unconditional **or conditional** approval from State Historic Preservation Office **or the National Park Service of the U.S. Department of the Interior.**

[(7)](L) For projects *[that receive preliminary approval and]* that are located within a qualified census tract *[as defined in section 253.545, RSMo],* credits shall first be authorized from the *[amount allocated for all projects set forth in section 253.550.2(1), RSMo,]* **QCT tax credit cap** before being authorized from the *[amount allocated solely for qualified census tract projects set forth in section 253.550.2(2), RSMo]* **statewide tax credit cap.**

(M) Except as otherwise provided, no applicant shall submit a preliminary application to the department within five (5) years following the issuance of tax credits in connection with the same property. The department shall deny any such preliminary application it receives.

[(8) An applicant's hard costs set forth in a preliminary application will be considered eligible for tax credits only if such costs are incurred on or after the date on which the department receives the preliminary application.

[(9) An applicant's soft costs set forth in a preliminary application will be considered eligible for tax credits only if such costs are incurred within one (1) year prior to the date on which the department receives the preliminary application, or later.

[(10) Subject to section 253.559.9, RSMo, at an applicant's request, the department may contract to facilitate an independent review process of an applicant's preliminary cost certification by one (1) or more third-party certified public

accountant firms, provided that any such independent cost certification review shall be paid entirely by the applicant and shall not constitute an eligible QRE under the program, and further provided that, under such independent review process, applicant may not contract with a certified public accountant firm with which it is a related party or has had a significant business relationship, as reasonably determined by the department. The department may publish guidance regarding such independent cost certification review in the program guidelines.

[(11) An applicant shall submit the final application on the form approved and made available by the department. The final application shall be evaluated using the rules and guidelines published by the department for the fiscal year in which the applicant's preliminary application was submitted.

[(12) If upon submitting the final application, the amount of eligible QREs is in excess of the amount approved under the program's preliminary application process, the applicant may apply to the department for issuance of tax credits in an amount equal to such excess. The applicant must apply for issuance of the excess credits on the form provided by the department. Applications for issuance of excess credits will be placed in line for issuance at the next available date. When evaluating an application for excess credits, the department may adjust the project scores in light of the excess amount.

[(13) Except as otherwise provided, no property shall receive preliminary approval within five (5) years following the issuance of tax credits in connection with that property.]

(2) Final Application.

(A) An applicant seeking issuance of tax credits, other than excess tax credits, for a completed project shall submit a final application to the department.

(B) The department shall post on its website a checklist of required information for a final application.

(C) The department shall accept final applications year-round.

(D) The department, in consultation with the State Historic Preservation Office, shall determine the final amount of QRE on the project and whether the completed rehabilitation meets the standards of the Secretary of the U.S. Department of the Interior for rehabilitation as determined by the State Historic Preservation Office.

(E) Subject to section 253.559.9, RSMo, an applicant may obtain an independent review of an applicant's cost certification by one (1) or more third-party certified public accountant firms to be paid entirely by the applicant. The cost certification review shall not constitute QRE under the program. The department may publish guidance regarding such independent cost certification review in the program guidelines.

(F) The eligibility of project costs as QREs shall be evaluated using the rules and statutes in effect on the date the applicant's preliminary application was submitted to the department.

(G) The following applies in determining whether a cost is a QRE:

1. An applicant's hard costs set forth in a preliminary application will be QREs only if such costs are –

A. Incurred no earlier than one (1) year prior to the date on which the department receives the preliminary application;

B. Limited to costs necessary for stabilization of the structure that are cost-mitigating (delaying stabilization

would result in higher QRE) or to make the structure suitable for safe entry and inspection; and

C. Not in an amount in excess of ten percent (10%) of the QRE amount sought in the preliminary application. The amount up to ten percent (10%) may be QRE, but amounts exceeding ten percent (10%) shall not be QRE;

2. An applicant's soft costs set forth in a preliminary application will be QREs only if such costs are incurred no earlier than one (1) year prior to the date on which the department receives the preliminary application;

3. To be a QRE, all sources of funds for payment of project costs, invoices for project costs, and other documentation relating to the project must be in applicant's name and authorized by applicant.

A. Project costs shall not be QREs if paid by the third party on behalf of the applicant, regardless of whether applicant reimburses the third party.

B. A title company paying on behalf of an applicant shall not be considered a third party for purposes of this paragraph;

4. All loans related to the project must be made to applicant, provided that loans may be made to applicant's owner if applicant is a single member limited liability company where the single member is an individual. Project costs paid with proceeds of loans not as described in this paragraph shall be considered costs paid by a third party, and shall not be QREs; and

5. Additional limitations on QREs are in 4 CSR 85-5.080, Phased Projects, 4 CSR 85-5.090, Developer Fees and General Contractor Overhead and Profit, and 4 CSR 85-5.100, Not-for-Profits.

(3) Excess Tax Credits Application.

(A) All applicants seeking excess tax credits shall submit an excess tax credits application to the department.

(B) The department shall post on its website a checklist of required information for an excess tax credits application. If an excess tax credits application submitted to the department is incomplete, the department will give an applicant one opportunity to provide information or documents to cure any deficiencies within fifteen (15) business days of being notified by the department. The department will reject all excess tax credits applications that remain incomplete after one (1) opportunity to cure.

(C) A complete excess tax credits application shall be evaluated by the department for eligibility of the project.

1. Eligibility criteria for an excess tax credits application include that the department previously issued tax credits after determining the total QRE for the project after a final application was submitted, and the amount of QREs for the project exceeded the amount of QREs for which tax credits were issued by the department, and other statutory requirements.

(D) The excess tax credits application shall include the information and documents set forth for a preliminary application in subsection (1)(E) of this rule.

(E) A complete excess tax credits application will be evaluated for eligibility and scored by the department in accordance with section 253.559.3(1), RSMo, subsection (1)(j) of this rule, and 4 CSR 85-5.030, 5.040, 5.050, and 5.060.

(F) Subsection (3)(E) of this rule shall not apply to an excess tax credits application if the project received its authorization of tax credits in 2019 or later. Such a project will not be re-evaluated or re-scored, and the evaluation or score given the project for the evaluation and scoring of the project's preliminary application will be used for the

excess tax credits application.

(G) The department shall accept excess tax credits applications in the same cycle as preliminary applications, as set forth in subsection (1)(G) of this rule.

(H) Excess tax credits applications will be reviewed and scored in the order set forth in subsection (1)(H) of this rule.

(I) Prior to an application cycle, in addition to the required information and documents in subsection (1)(j) of this rule, the department shall post on its website a checklist for excess tax credits applications.

(J) Except as set forth in subsection (3)(F) of this rule, excess tax credits applications will be scored in the same manner, using the same scoring criteria and scorecard as preliminary applications described in subsection (1)(j) of this rule. Projects scoring below the minimum amount of points necessary for a project to be authorized tax credits will be denied.

(K) Excess tax credits applications will be apportioned to the QCT tax credit cap or statewide tax credit cap in the manner set forth in subsection (1)(M) of this rule.

AUTHORITY: section 135.487, RSMo 2016, and sections 135.802 and 620.010, RSMo Supp. [2019] 2023. Original rule filed July 8, 2008, effective Feb. 28, 2009. For intervening history, please consult the Code of State Regulations. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community [Services] Solutions

Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.030 Preliminary and Excess Tax Credits Application Evaluation – Projected Net Fiscal Benefit. The department is amending the division title, rule title, and the rule text.

PURPOSE: This proposed amendment clarifies which applications require a net fiscal benefit evaluation and require the applicant to submit the analysis of municipal net fiscal benefit.

For purposes of evaluating a preliminary application for authorization of tax credits and an excess tax credits application for issuance of tax credits pursuant to section 253.559.3(1)(a), RSMo, the projected net fiscal benefit to the state [and local municipality] shall be reasonably determined

by the department. **The projected net fiscal benefit to the municipality shall be provided by the applicant.**

AUTHORITY: section 135.487, RSMo 2016, and sections **135.802 and 620.010**, RSMo Supp. [2019] 2023. Original rule filed July 8, 2008, effective Feb. 28, 2009. Emergency amendment filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Amended: Filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community [Services] Solutions Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.040 Preliminary and Excess Tax Credits Application Evaluation – Overall Size and Quality of the Project. The department is amending the division title, rule title, and section (1).

PURPOSE: This proposed amendment clarifies which applications are evaluated for overall size and quality.

(1) For purposes of evaluating a preliminary application for **authorization of tax credits and an excess tax credits application for issuance of** tax credits pursuant to section 253.559.3(1)(b), RSMo, the department shall evaluate the following criteria:

(E) The amount of overall project financing for which the applicant has secured firm commitments prior to submitting its preliminary application **or excess tax credits application** to the department.

AUTHORITY: section 135.487, RSMo 2016, and sections **135.802 and 620.010**, RSMo Supp. [2019] 2023. Emergency rule filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Original rule filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community [Services] Solutions Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.050 Preliminary and Excess Tax Credits Application Evaluation – Level of Economic Distress. The department is amending the division title, rule title, and section (1).

PURPOSE: This proposed amendment clarifies which applications require a level of economic distress evaluation and adds inclusion in an enhanced enterprise zone as a basis for receiving a higher score.

(1) For purposes of evaluating a preliminary application for **authorization of tax credits and an excess tax credits application for issuance of** tax credits pursuant to section 253.559.3(1)(c), RSMo, the department shall evaluate the following criteria:

(B) The project census tract's designation as a qualified census tract *[, as defined in section 253.545(7), RSMo];*

(D) The project census tract's overall poverty rate, as determined pursuant to section 253.545(7), RSMo; *[and]*

(E) The project census tract's inclusion in an enhanced enterprise zone established under sections 135.950 to 135.973, RSMo; and

[(E)](F) The project's vacancy or underutilization prior to rehabilitation.

AUTHORITY: section 135.487, RSMo 2016, and sections **135.802 and 620.010**, RSMo Supp. [2019] 2023. Emergency rule filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Original rule filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 4 – DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 85 – Division of Business and Community
[Services] Solutions**

Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.060 Preliminary and Excess Tax Credits Application Evaluation – Input from Local Elected Officials. The department is amending the division title, rule title, and section (1).

PURPOSE: This proposed amendment clarifies which applications require a letter of support from local officials and when a letter from the president of the board of aldermen in the City of St. Louis must be included.

(1) For purposes of evaluating a preliminary application for **authorization of tax credits and an excess tax credits application for issuance** of tax credits pursuant to section 253.559.3(1)(d), RSMo, the department shall evaluate the following criteria:

(B) Signed letter of support from the chief elected official of the jurisdiction where the project *[will be]* is located. **For any project in any city not within a county, an applicant shall also include a letter of support from the president of the board of aldermen, if one can be obtained.**

AUTHORITY: section 135.487, RSMo 2016, and sections 135.802 and 620.010, RSMo Supp. [2019]2023. Emergency rule filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Original rule filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 4 – DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 85 – Division of Business and Community
[Services] Solutions**

Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.070 Compliance with Other Provisions of Law. The department is amending the division title and section (1) and removing section (2).

PURPOSE: This proposed amendment clarifies which applications result in an issuance of tax credits, and adds compliance with

section 285.530, RSMo 2016, to the rule, which is required by statute, but inclusion in the rule helps ensure understanding by prospective applicants of its applicability. Deleted section (2) has been moved to 4 CSR 85-5.020(2)(G).

(1) A tax credit certificate issued following the final completion of a project, and submission to the department of a complete final application or an excess tax credits application, shall be in an amount no greater than those costs that are *[deemed eligible under the program]* **Qualified Rehabilitations Expenditures (QREs)**, and shall only be issued after **the department confirms** compliance with all other provisions of law, including but not limited to:—

(A) Payment of any issuance fees under section 620.1900, RSMo, or similar provisions; *[and]*

(B) Payment of any back taxes and penalties under section 135.815, RSMo, or similar provisions*[:]; and*

(C) Compliance with section 285.530, RSMo, with regard to employment of unauthorized aliens.

[(2) All sources of funds for payment of project costs, invoices for project costs, and other documentation relating to the project must be in applicant's name and authorized by applicant. All loans related to the project must be made to applicant, provided that loans may be made to applicant's owner if applicant is a single member limited liability company where the single member is an individual. An applicant may not receive tax credits for Qualified Rehabilitation Expenditures (QREs) paid by a third party payor on behalf of the applicant, regardless of whether applicant reimburses the third party payor. A title company paying on behalf of an applicant shall not be considered a third party payor for purposes of this section.]

AUTHORITY: section 135.487, RSMo 2016, and sections 135.802 and 620.010, RSMo Supp. [2019]2023. Emergency rule filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Original rule filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 4 – DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 85 – Division of Business and Community
[Services] Solutions**

Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.080 Phased Projects. The department is amending the division title and sections (1)–(4) and (6).

PURPOSE: This proposed amendment eliminates duplicative paperwork by allowing a phased project to submit a single preliminary application instead of a separate preliminary application for each phase of the project.

(1) To qualify as a phased project, an applicant must[~~]~~—

(B) [~~Submit a preliminary application for each construction period of the phased project at the same time~~] **Submit a single preliminary application to the department for the entire phased project;** and

(C) [~~The~~] **Submit a copy of the federal historic preservation tax incentives program** phased project application [~~must be submitted~~] with [~~each~~] the preliminary application.

(2) [~~Each phased~~] **The** preliminary application [~~for tax credits~~] **for a phased project** must mirror the phasing listed in the federal historic preservation tax incentives **program** project application.

(3) Each construction period (**phase**) of a phased project must be described such that expenditures are clearly identified as incurred during an individual phase.

(4) All amendments to a [~~state phased project~~] **preliminary application for a phased project** must [~~have~~] be identical to amendments [~~as~~] to the applicant's federal **historic preservation tax incentives program** phased project application, **a copy of which must be submitted to the department.** An amended **preliminary application for a phased project** [~~application~~] shall be evaluated as an amendment to the project phase [~~in question~~] **being modified.**

(6) The director shall have the authority to [~~approve~~] **authorize tax credits for** a phased project **preliminary** application using an aggregate estimate with flexibility among phases for projects that meet the requirements of 4 CSR 85-5.020[(5)](1)(I).

AUTHORITY: section 135.487, RSMo 2016, and sections **135.802 and 620.010**, RSMo Supp. [2019]2023. Emergency rule filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Original rule filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community [Services] Solutions

Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.090 Developer Fees; General Contractor [Requirements] Overhead and Profit. The department is amending the division title, rule title, and sections (1)–(4), inserting two (2) new sections, and renumbering as necessary.

PURPOSE: This proposed amendment removes the requirement that applicants and developers use a specific department-created form for a developer fee agreement, instead allowing the parties to create their own agreement that can suit other needs besides those of the department and combines two separate percentage caps for contract overhead and contractor profit into one combined percentage to give applicants greater flexibility in such arrangements.

(1) For a developer fee to be a [~~Qualified Rehabilitation Expenditure~~] (~~QRE~~), the developer fee agreement must [~~be on the form approved and made available by the department in the program guidelines for the applicable state fiscal year~~] **meet the requirements of this rule.**

(2) A developer fee shall be deemed a QRE only if[~~]~~—

(B) The developer fee is evidenced by a **signed and notarized** written [~~records indicating~~] **agreement between the applicant and the developer;**

[1. A requirement of full payment of the developer fee within five (5) years of final completion, as defined within the developer fee agreement; and

2. That the applicant will be personally liable for repayment of all credits attributable to any amount of the developer fee not paid within five (5) years of final completion; and

(C) The developer fee agreement is provided to the department with an applicant's preliminary application, if notarized at or prior to that date, but not after the later to occur of the project's initial closing on construction financing; or initial closing on federal historic tax credits, if applicable. If no developer fee agreement has been submitted to the department for review by the later to occur of either event in the preceding sentence, no developer fees will be deemed eligible as QREs for such project.

1. Any amendments to the developer fee agreement that change the amount of the developer fee shall include the justification for such increase or decrease to such amount.

2. All developer agreements and amendments thereto must be signed and notarized by all parties involved to be considered eligible as a QRE.

3. In the event applicant amends any developer fee agreement for any developer fees that applicant requests or has requested as QREs, applicant shall provide the department with such amendment upon its execution.]

(C) The developer fee is incurred by the applicant no later than upon substantial completion of the project, and the basis for substantial completion, which must be one (1) of the alternatives in 4 CSR 85-5.010(2)(EE), is specified in the developer fee agreement;

(D) The developer fee agreement is submitted to the department by the later of the project's initial closing on construction financing, or initial closing on federal historic tax credits, if applicable. If no developer fee agreement has been submitted to the department for review by the later to occur of either event in the preceding sentence, no developer fees will be eligible as a QRE for the project; and

(E) The developer fee agreement does not include activities that are in support of costs that are ineligible as a QRE, such as syndication, organization, property acquisition, obtaining permanent financing, rent-up/lease-up of the property, and ongoing property management.

(3) Up to ninety percent (90%) of a developer fee can be deferred (incurred but unpaid) and be a QRE, provided that the requirements in section (2) of this rule are met and the developer fee agreement requires full payment of the deferred amount of the developer fee by applicant within five (5) years of substantial completion.

(4) The applicant that is issued tax credits for deferred developer fees as set forth in section (3) of this rule shall be personally liable for repayment of all tax credits attributable to any amount of the developer fee for which tax credits were issued but the developer fee is not paid within five (5) years of substantial completion of the project.

(5) For a developer fee to be a QRE, any amendment to the developer fee agreement –

(A) That changes the amount of the developer fee shall include the justification for such increase or decrease to such amount;

(B) Must be in writing, signed, and notarized by all parties; and

(C) Must be submitted to the department with the project's final application.

(6) Payment of a deferred developer fee within a reasonable period of time following it being incurred is material to the department's determination that a deferred developer fee is a QRE. The appropriate real party in interest to represent the state shall have standing to bring suit for an applicant's failure to pay a deferred developer fee for which tax credits have been issued within five (5) years of substantial completion of the project.

[(3)](7) In order to be [included as] a QRE, general contractor **soft costs of** overhead [, including general requirements.] and profit must be separately listed on the expense report form submitted with the final application. General contractor profit and overhead must be reasonable.

(A) General contractor **overhead and** profit is presumed to be reasonable if **together** it is equal to or less than [six] **ten** percent [(6%)] (10%) of total eligible [project] **contractor** costs less related party fees, overhead, and profit.

[(B)] *General contractor overhead, including general requirements, is presumed to be reasonable if it is equal to, or less than four percent (4%) of total eligible project costs less related party fees, overhead, and profit.*

[(4)] *Payment of a developer fee within a reasonable period of time following its accrual is material to the department's approval of such developer fee as a QRE. The appropriate real party in interest to represent the state shall have standing to bring suit for an applicant's failure to pay an accrued developer fee for which tax credits have been issued within five (5) years of such developer fee's accrual.*

AUTHORITY: section 135.487, RSMo 2016, and sections **135.802 and 620.010**, RSMo Supp. [2019]2023. Emergency rule filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Original rule filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community [Services] Solutions

Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.100 Not-for-Profits. The department is amending the division title, deleting section (3), and renumbering as necessary.

PURPOSE: *This proposed amendment will eliminate an unnecessary provision.*

[(3)] *A for-profit applicant may obtain a non-forgivable loan from a related not-for-profit entity and not have its tax credits reduced on account of such loan if such loan is made on reasonable, commercial terms evidencing an arms-length transaction, as reasonably determined by the department.]*

[(4)](3) For purposes of section (2) of this rule, an ownership interest will not be attributed to a related party not-for-profit that is separated from the applicant in the ownership structure, directly or indirectly, by a for-profit entity, including blocker corporations and all corporations filing U.S. Treasury (Internal Revenue Service) Form 1120 or their successors that have been formed for a legitimate business purpose. The related party not-for-profit is still considered to be a related party for all other purposes under the program. The determination of whether or not a business was formed for a legitimate business purpose will be made by the department after considering all relevant facts and circumstances. In its review of a legitimate business purpose, the department shall consider, but not be limited to, the factors and principles set forth in *Moline Properties, Inc. v. Commissioner*, 319 U.S. 436 (1943), and applicable federal law.

[(5)](4) In cases of not-for-profit ownership for the sole purpose of obtaining local tax exemptions pursuant to [c]Chapters 100 or 353, RSMo, consistent with the holding of the U.S. Supreme Court in *Helvering v. F&R Lazarus & Co.*, 308 U.S. 252 (1939) and the Internal Revenue Service's published guidance in Revenue Ruling 68-590, the change in ownership required for such local tax exemptions will not render a project ineligible for tax credits, provided that all invoices submitted to the department as Qualified Rehabilitation Expenditures (QREs) are incurred and paid by the applicant.

AUTHORITY: section 135.487, RSMo 2016, and sections **135.802, and 620.010**, RSMo Supp. [2019]2023. Emergency rule filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Original rule filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community [Services] Solutions

Chapter 5 – Historic Preservation Tax Credit Program

PROPOSED AMENDMENT

4 CSR 85-5.110 Administrative Closure. The department is amending the division title and the rule text.

PURPOSE: This proposed amendment will clarify how the department may notify an applicant of administrative closure of inactive projects, taking into account technological advances in communications with program participants.

The department may administratively close any inactive project upon *[written]* notice sent to the applicant, **and shall rescind any tax credits authorized for the project. The department may send such notice by U.S. Mail or email.**

AUTHORITY: section 135.487, RSMo 2016, and sections **135.802 and 620.010**, RSMo Supp. [2019]2023. Emergency rule filed March 20, 2019, effective March 30, 2019, expired Dec. 31, 2019. Original rule filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed July 31, 2023.

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 Economic Development, Business and Community Solutions Division, ATTN: Redevelopment Finance Manager, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 12 – DEPARTMENT OF REVENUE Division 10 – Director of Revenue Chapter 4 – State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.015 Sale Consummation. This rule aided in determining when a sale took place and interpreted and applied section 144.605(5), RSMo.

PURPOSE: This rule is being rescinded because it is outdated as written and is covered correctly in other rules.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 605-3 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed July 27, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE

Division 10 – Director of Revenue

Chapter 4 – State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.100 Tax Paid to Another State. This rule indicated the liability of a person who makes a taxable purchase and takes delivery in another state and interprets and applies section 144.615(1), RSMo.

PURPOSE: This rule is being rescinded because it is completely contained in 12 CSR 103.250.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 615-5 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Oct. 15, 1984, effective Feb. 11, 1985. Rescinded: Filed July 27, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
[Chapter 4—State Use Tax]
Chapter 103—Sales/Use Tax—Imposition of Tax

PROPOSED AMENDMENT

12 CSR 10-~~[4.170]~~103.170 Aggregate Amount Defined. The director is moving the rule, amending section (3), and updating the authority.

PURPOSE: This amendment moves the rule to Chapter 103, removes rescinded CSR in section (3), and updates RSMo date in authority section.

(3) A return must be filed and completed in its entirety even if a taxpayer is filing an estimated return (see section 144.660, RSMo *[and 12 CSR 10-3.458]*).

AUTHORITY: section 144.705, RSMo [1994] 2016. U.T. regulation 655-3 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed July 25, 2023.

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 Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 4 – State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.622 Marketing Organizations Soliciting Sales Through Exempt Entity Fund-Raising Activities. This rule interpreted the use tax law applicable to marketing organizations soliciting sales through exempt entity fund-raising activities.

PURPOSE: This rule is being rescinded because it is outdated.

AUTHORITY: section 144.705, RSMo 1994. Original rule filed Feb. 23, 1989, effective Aug. 10, 1989 Rescinded: Filed July 27, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with

*the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 7 – Special Motor Fuel Use Tax

PROPOSED RESCISSION

12 CSR 10-7.190 Fuel Inspection Fee. This rule established reporting requirements for the accounts which are required to report and pay the inspection fee which the department began collecting January 1, 1988, pursuant to section 414.082, RSMo (1986).

PURPOSE: This rule is being rescinded because all information is now covered under section 414.082, RSMo, so this rule is no longer needed.

AUTHORITY: section 414.142, RSMo Supp. 1989. Original rule filed May 20, 1988, effective Sept. 29, 1988. Rescinded: Filed July 26, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 7 – Special Motor Fuel Use Tax

PROPOSED RESCISSION

12 CSR 10-7.300 Motor Fuel and Special Fuel Transporters. This rule clarified the type of transporter license needed by companies to legally haul motor fuel, special fuel, or both on public highways, pursuant to sections 142.270 and 142.575, RSMo (House Bill 1629, 84th General Assembly, 2nd Regular Session).

PURPOSE: This rule is being rescinded because it was originally needed to clarify the statute but due to updates in the statute this clarifying rule is no longer needed.

AUTHORITY: sections 142.270, RSMo 1986 and 142.575, RSMo Supp. 1989. Original rule filed July 2, 1990, effective Dec. 31, 1990. Rescinded: Filed July 27, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 7 – Special Motor Fuel Use Tax**

PROPOSED AMENDMENT

12 CSR 10-7.320 Adjustments to the Distribution of Funds Allocated Pursuant to Article IV, Section 30(a) of the Missouri Constitution as Referenced in Section 142.345, RSMo. The director is amending the authority.

PURPOSE: This amendment updates the authority section of the rule.

AUTHORITY: sections [142.300 and 142.621] **136.120 and 144.705**, RSMo [1986] **2016**. Original rule filed March 4, 1991, effective July 8, 1991. Amended: Filed July 25, 2023.

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 Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 10 – Financial Institutions**

PROPOSED AMENDMENT

12 CSR 10-10.020 Allocation of Bank Tax. The director is removing the Editor's Note and amending subsection (1)(C) and the authority.

PURPOSE: This amendment removes the Editor's Note, removes outdated RSMo in (1)(C), and updates RSMo authority year.

(1) The definitions of terms used in this rule are as follows:
(C) Facility shall have the meaning ascribed to it in section[s]

362.107 [and 362.108], RSMo; and

AUTHORITY: section 148.100, RSMo [1986] **2016**. Original rule filed Oct. 15, 1984, effective Feb. 11, 1985. Amended: Filed July 25, 2023.

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 Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 10 – Financial Institutions**

PROPOSED RESCISSION

12 CSR 10-10.030 Statute of Limitations for Bank Tax. This rule established a statute of limitations for the assessment of bank tax as set out in Chapter 148, RSMo.

PURPOSE: This rule is being rescinded because it is an unnecessary copy of section 148.070.

AUTHORITY: sections 148.100, 148.200 and 148.700, RSMo 1986. Original rule filed July 11, 1985, effective Oct. 11, 1985. Rescinded: Filed July 31, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 10 – Financial Institutions**

PROPOSED RESCISSION

12 CSR 10-10.140 Interest, Additions to Tax and Penalty. This rule established an effective period for computing interest, additions to tax and penalty as provided in section 148.062, RSMo.

PURPOSE: This rule is being rescinded because it is outdated and covered under other rules and updated RSMo information.

AUTHORITY: section 148.100, RSMo 1986. Original rule filed March 2, 1987, effective Aug. 13, 1987. Rescinded: Filed July 27, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 10 – Financial Institutions**

PROPOSED RESCISSION

12 CSR 10-10.160 Neighborhood Assistance Credit (NAC). This rule established the priority and method in which credits approved under Chapter 32, RSMo, were used.

PURPOSE: This rule is being rescinded because it is outdated and no longer necessary.

AUTHORITY: section 148.100, RSMo 1986. Original rule filed March 2, 1987, effective Aug. 13, 1987. Amended: Filed Feb. 11, 1991, effective July 8, 1991. Rescinded: Filed July 31, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 10 – Financial Institutions**

PROPOSED RESCISSION

12 CSR 10-10.175 Personal Property Tax Credits – Definition, Calculation and Refund Agreement. This rule clarified the creditability of personal property taxes paid by banking

institutions on personal property not held for lease or rental to others.

PURPOSE: This rule is being rescinded because it is outdated and no longer needed.

AUTHORITY: section 148.100, RSMo 1986. Original rule filed Dec. 22, 1988, effective June 11, 1989. Rescinded: Filed July 27, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 10 – Financial Institutions**

PROPOSED RESCISSION

12 CSR 10-10.180 Interest Earned by Banking Institutions From the Resolution Funding Corporation and the Financial Corporation. This rule clarified the taxability of interest earned by banking institutions from Resolution Funding Corporation and the Financial Corporation.

PURPOSE: This rule is being rescinded because it was determined to be outdated and no longer necessary.

AUTHORITY: section 148.100, RSMo 1986. Original rule filed April 1, 1992, effective Sept. 6, 1992. Rescinded: Filed July 31, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 39 – Collections for State Hospitals and
Institutions**

PROPOSED RESCISSION

12 CSR 10-39.010 Statements of Account. This rule related to the furnishing of statements of amount due to state hospitals and institutions is rewritten and assigned a rule number in order to comply with the uniform procedures adopted by the secretary of state under section 536.023, RSMo (1986).

PURPOSE: This rule is being rescinded because it is outdated and is no longer needed.

AUTHORITY: section 31.040, RSMo 1986. Rule filed Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed July 31, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE

Division 10 – Director of Revenue

Chapter 103 – Sales/Use Tax – Imposition of Tax

PROPOSED AMENDMENT

12 CSR 10-103.555 Determining Taxable Gross Receipts. The director is adding subsection (3)(O), (4)(I), and (4)(J).

PURPOSE: This amendment adds clarification on taxes due on credit card fees and rebate checks and clarifies charges to customers when the seller is recouping their seller's cost of their goods sold are subject to tax.

(3) Basic Application of Tax.

(O) Charges to customers when the seller is recouping their seller's cost of their goods sold are subject to tax.

(4) Examples.

(I) A retailer of home goods offers its customers a rebate program in which the customers will mail in a rebate form. In turn, the customer will receive a rebate check for a percentage of their purchase price to apply to future purchases of goods at the store. The rebate amount that the customers receive and apply to future purchases are subject to tax.

(J) A restaurant includes an extra three percent (3%) fee to all customers who pay using a credit card. The additional three percent (3%) credit card fee is subject to tax.

AUTHORITY: sections [section 144.270, RSMo 2000, and 144.083, RSMo Supp. 2007] 144.270 and 144.083, RSMo 2016. Original rule filed Aug. 21, 2000, effective Feb. 28, 2001. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expired Feb. 23, 2008. Amended: Filed Aug. 14, 2007, effective Feb. 29, 2008. Amended: Filed July 25, 2023.

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 Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE

Division 10 – Director of Revenue

Chapter 107 – Sales/Use Tax – Exemption Certificates

PROPOSED AMENDMENT

12 CSR 10-107.100 Use of and Reliance on Exemption Certificates. The director is amending subsections (2)(B), (2)(C), (3)(A) and (3)(C).

PURPOSE: This amendment adds definitions under section (2) for Good Faith and Burden, removes (3)(C)(1), and updates RSMo authority.

(2) Definition of Terms.

(B) Good faith – [See 12 CSR 10-101.500(2)(B), Burden of Proof] Honesty of intention and freedom from knowledge of circumstances which ought to put the holder upon inquiry.

(C) Burden of Proof – Burden of persuading the finder of fact that the existence of a fact is more probable than the nonexistence.

(3) Application of Rule.

(A) The seller must obtain and maintain exemption certificates for any exempt sales. If the seller does not have an exemption certificate for a sale it claims was exempt, the seller may be held liable for the tax. [Exemption certificates retained by the seller must be updated every five (5) years or when the certificate expires by its terms, whichever is earlier.]

(C) If a seller has an exemption certificate from the purchaser on file, the seller may rely on the certificate on file for future sales unless:—

[1. The certificate on file has expired;]

[2.]1. The certificate, by its terms, does not apply to the transaction; or

[3.]2. The seller can no longer rely in good faith on the certificate.

AUTHORITY: section 144.270, RSMo [2000] 2016. Original rule filed Oct. 25, 2004, effective May 30, 2005. Amended: Filed May 10, 2005, effective Nov. 30, 2005. Amended: Filed July 25, 2023.

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 Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 110 – Sales/Use Tax – Exemptions**

PROPOSED RESCISSION

12 CSR 10-110.201 Materials and Other Goods Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo. Section 144.054.2, RSMo, exempted from state tax and local use tax, but not local sales tax, certain materials, goods, machinery and parts. This rule explained the requirements for this exemption.

PURPOSE: This rule is being rescinded because it is outdated and covered under other rules and updated RSMo information.

AUTHORITY: section 144.270, RSMo 2000. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expired Feb. 23, 2008. Original rule filed Aug. 14, 2007, effective March 30, 2008. Rescinded: Filed July 31, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 111 – Sales/Use Tax – Machinery and
Equipment Exemptions**

PROPOSED AMENDMENT

12 CSR 10-111.010 Manufacturing Machinery and Equipment Exemptions, as Defined in Section 144.030, RSMo. The director is amending sections (2)–(4).

PURPOSE: This amendment updates definitions.

(2) Definition of Terms.

(A) Establish a new manufacturing plant – The complete and final construction of a facility and all of its component parts. Construction shall be deemed completed within a reasonable period of time after [production] manufacturing begins.

(B) Expand existing manufacturing plant – The purchase

of additional machinery, equipment, and parts as a result of the physical enlargement of an existing manufacturing, fabricating, or mining facility; or the addition of machinery, equipment, and parts constituting improvements that result in an actual or potential: i) 1) increase in production volume at the plant, [ii] 2) increase in employment at the plant, or [iii] 3) increase in the number of types or models of products produced at the plant. This actual or potential increase is measured in relation to the actual or potential production volume, employment, or types or models of products produced at the plant before the machinery, equipment, and parts were originally put into use at the plant. Documentation which may be provided to establish the requisite intent for potential increase in production include[,] but are not limited to[,] the following: capital expenditure authorization requests, production records, production plans, purchase invoices, work authorizations, plant equipment cost savings analysis or reports, and asset justification reports.

(E) Manufacturing – [i] the 1) The alteration or physical change of an object or material to produce an article with a use, identity, and value different from the use, identity, and value of the original; or [ii] 2) a process which changes and adapts something practically unsuitable for any common use into something suitable for common use; or [iii] 3) the production of new and different articles, by the use of machinery, labor, and skill, in forms suitable for new applications; or [iv] 4) a process that makes more than a superficial transformation in quality and adaptability and creates an end product quite different from the original; or [v] 5) requires the manipulation of an item in such a way as to create a new and distinct item, with a value and identity completely different from the original. Manufacturing does not include processes that restore articles to their original condition (e.g., cleaning, repairing[;] processes that maintain a product (e.g., refrigeration)[;] or processes that do not result in a change in the articles being processed (e.g., inspecting, sorting). The terms “producing,” “compounding,” and “processing” are synonymous with “manufacturing.”

[(H) Producing—Includes the meanings of “manufacturing” and “fabricating,” and is used in connection with the creation of intangibles that are taxable but which are not manufactured or fabricated in the sense those terms are commonly understood, e.g., information organized by computer and then sold on tangible media.

(I) Product which is intended to be sold ultimately for final use or consumption—Tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state, which is intended at the time of manufacturing, mining or fabrication to be sold at retail. Property or services cannot be considered to be “subject to” the tax of a state unless the property or services are actually to be sold at retail in that state or delivered to a retail customer in that state.]

(H) Product – An output with market value; the output must have a new identity, use, and market value produced by the taxpayer’s efforts which is intended at the time of the production activity to be sold ultimately for final use or consumption. A product may be tangible personal property or a service, if the property or service is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state. The taxpayer is not required to actually market the good or service but the taxpayers must prove the existence of a market. The term “product” indicates that the fundamental quality defining a product as an “output with a market value” is that the price of an alleged product is set

primarily by competing buyers and sellers. By extension, a good or service is a product only if it can be marketed to various buyers.

[(J)](I) Used directly in manufacturing, mining, fabricating, or producing a product – ~~[s]~~Substantially used in, essential to, and comprising an integral part of the manufacturing, mining, fabricating, or producing process. Under the integrated plant theory, adopted by Missouri, it is not sufficient to meet only one (1) of these requirements. For example, items used in material storage or handling before the manufacturing process begins may be essential to the process, but generally are not an integral part of the manufacturing process and are therefore not used directly in manufacturing. Similarly, items used for storing the finished product are generally not an integral part of the manufacturing process. The factors that determine whether an article is directly used are~~[:]~~ whether the item is essential or necessary to the process; how close, causally, is the item to the production process; and whether the item operates harmoniously with other machinery to make an integrated and synchronized system. The direct use requirement is not limited to those items of machinery, equipment, and parts that produce a direct physical change in the composition of the raw materials or work in process. As long as there is a continuous progression from raw materials to finished product and there are no extended interruptions in the manufacturing process, the integrated and synchronized system begins when raw materials enter the production process and ends when the product is finished.

(3) Basic Application of Exemption.

(A) Direct use – In determining whether machinery, equipment, and parts are used directly in producing a product, Missouri has adopted the integrated plant theory that permits a broad construction of the machinery, equipment, and parts exemptions. The language “used directly in” exempts purchases of articles that are both essential and comprise an integral part of the manufacturing process. It is not sufficient to meet only one (1) of these requirements. For example, items used in material storage or handling before the manufacturing process begins may be essential to the process, but are not an integral part of the manufacturing process and are therefore not used “directly” in manufacturing. The factors which determine whether an article is directly used are~~[:]~~ whether the item is essential or necessary to the process; how close, causally, is the item to the production process; and whether the item operates harmoniously with other machinery to make an integrated and synchronized system. The direct use requirement is not limited to those items of machinery, equipment, and parts that produce a direct physical change in the composition of the raw materials or work in process.

(B) New or expanded plant exemption – Pursuant to section 144.030.2(5), RSMo, purchases of machinery, equipment, and parts to establish a new or to expand an existing manufacturing, mining, or fabricating plant in Missouri which are used directly in manufacturing, mining, or fabricating a product that is intended to be sold ultimately for final use or consumption are not subject to tax. Purchases of the materials and supplies solely required for the installation or construction of such machinery and equipment are not subject to tax.

[(C)] Purchase by other than end user—*The exemptions for machinery, equipment and parts in section 144.030.2(4) and (5), RSMo, do not require that the owner of the facility be the purchaser to qualify for the exemption or that the purchaser be the one who uses the machinery, equipment and parts in an exempt fashion. All that is required is that the machinery, equipment and parts are used in a tax-exempt manner. These*

exemptions “flow through” to the owner. For example, a real property improvement contractor may purchase exempt from tax the machinery, equipment, parts, materials and supplies solely required for installation or construction of such replacement items, if such items are to be used in a tax-exempt manner by the owner.]

[(D)](C) Replacement – To be exempt under section 144.030.2(4), RSMo, the machinery, equipment, and parts must replace an existing piece of machinery, equipment, or parts. This can include machinery, equipment, or repair and maintenance parts that are identical to the items they replace, as well as items that are different from the ones they replace, such as replacement machinery, equipment, or parts added for the purpose of improving or modifying the existing devices. The replacement machinery, equipment, and parts must be used in a process that produces a product intended to be sold ultimately for final use or consumption.

[(E)](D) Replacement machinery, equipment, and parts – Pursuant to section 144.030.2(4), RSMo, purchases of replacement machinery, equipment, and parts which are used directly in manufacturing, mining, fabricating, or producing a product that is intended to be sold ultimately for final use or consumption are not subject to tax. Purchases of the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts are not subject to tax.

[(F)] Use for nonexempt purposes—*In order for the machinery and equipment to be exempt from tax it need not be used exclusively or primarily for an exempt purpose. The purchaser must intend at the time of purchase to use and actually make material use of the machinery and equipment in an exempt capacity to qualify. The fact that it may also be used for nonexempt purposes will not prevent the purchase of the item from qualifying for the exemption. If several like items are purchased, some for exempt purposes and some for nonexempt purposes, only the number of items essential for the exempt use qualify for the exemption.]*

(4) Examples.

(B) A **[fabricating] manufacturing** company purchases additional machinery to establish a second assembly line but it does not physically expand its existing building. Production capability is increased from five thousand (5,000) units a day to seven thousand five hundred (7,500) units per day. The machinery may be purchased under the expanded plant exemption.

(D) A manufacturing company purchases various parts including replacement parts, new parts for the purpose of modifying existing equipment to make it more efficient, and related materials and supplies to install the parts. The replacement parts, the new parts for modifying the equipment and the materials and supplies for the installation of these parts may be purchased under the replacement machinery, equipment, and parts exemption.

(E) A **[fabricating] manufacturing** company intends to build a new plant and have it up and running within a year. Some of the equipment that was originally intended to be part of the new plant does not arrive until three (3) months after the plant is completed. This equipment would be covered by the new plant exemption, because it was originally intended to be part of the new plant.

[(F)] A manufacturing company purchases various pieces of testing equipment for different purposes, including: i) to ensure that the seller's product meets the tolerances claimed in its marketing literature, ii) to meet the customers' specification requirements mandated by the sales agreement, and iii) to

perform research and development on potential future products. The testing equipment for the first two (2) situations are directly used to manufacture a product intended to be sold ultimately for final use or consumption and would qualify for exemption. The testing equipment for research and development is not directly used in manufacturing a product intended to be sold ultimately at retail and, therefore, would not qualify for exemption.]

[(G)](F) A ceramic greenware manufacturer purchases six (6) initial greenware mug molds, which it is going to use to manufacture greenware mugs to be resold. All six (6) greenware mug molds would be exempt.

[(H)](G) A rock quarry purchases equipment to remove earth and overburden to expose the rock and to remove rock from the ground. It purchased separate equipment to crush the rock into gravel as a marketable product to be sold at retail. The equipment used to remove the overburden and rock from the ground would qualify as exempt mining equipment and the equipment used to crush the rock into gravel would qualify as exempt manufacturing equipment.

[(I)] A taxpayer operates a concrete manufacturing plant. It purchases three (3) replacement concrete mixing trucks and also adds four (4) additional concrete mixing trucks to expand its fleet. Taxpayer also purchased dump trucks to haul concrete slabs that had been manufactured in its plant. The replacement and new additional concrete mixing trucks are directly used in manufacturing and would qualify for the replacement machinery and equipment exemption in section 144.030.2(4), RSMo, and the expanded plant exemption in section 144.030.2(5), RSMo, respectively. The dump trucks would not qualify for exemption because they are not directly used in the manufacturing process. However, if the dump trucks were used in the plant to transport the slabs during the manufacturing process from one processing area to another within the manufacturing plant, these exemptions would apply.]

[(J)](H) A taxpayer creates and sells a nontaxable information service product. To develop its product, taxpayer purchases computer hardware and software. Because taxpayer produces a nontaxable service product, it is not manufacturing a product intended to be sold ultimately for final use or consumption and, therefore, its purchases of computer equipment are not exempt from tax.

[(K)](I) A taxpayer has exempt machinery and equipment used directly in manufacturing a taxable product. Taxpayer purchases: *i)* 1) fuels, lubricants, and coolants for operation of the machinery and equipment; *ii)* 2) paint and adhesives which will adhere to the surface of the machinery and equipment; and *iii)* 3) replacement hoses and belts for the machinery and equipment. The fuels, lubricants, coolants, paint, and adhesives added to the machinery and equipment for operation are not parts within the meaning of the exemptions. These items are materials and supplies. They are exempt only if used for installation or construction of exempt machinery, equipment, and parts. The hoses and belts may be purchased exempt from tax because they qualify as replacement parts.

[(L)](J) A manufacturing company has two (2) sets of storage devices. The first set stores work in process between two (2) separate production areas. The second set stores the finished goods after the manufacturing process has been completed. The first set of storage devices is used directly in manufacturing and thus falls within the exemption. The second set of devices is not directly used in manufacturing and is subject to tax.

[(M)](K) A manufacturing company uses pneumatic powered tools directly on its assembly line. It also has hand tools used to repair or adjust the machines throughout the plant. The pneumatic powered tools are exempt as machinery

and equipment directly used in manufacturing. The hand tools do not qualify as machinery and equipment directly used in manufacturing and are taxable.

[(N)] A commercial photo developer uses "crop cards" to hold individual negatives in the film developing process which are discarded after a single use. The developer also uses tape to connect negative strips so that the negatives may be fed through its automatic film developing machinery and equipment. The crop cards and tape are consumable supplies, not parts or equipment, and therefore are subject to tax.

(O) A steel company manufactures steel products. It purchases train carloads of steel beams that are used in the plant to produce the products. The crane used to unload the steel beams at the plant is part of the integrated and synchronized system and is used directly in the manufacturing process. As long as there is a continuous progression from raw materials to finished product and there are no extended interruptions in the manufacturing process, the integrated and synchronized system begins when raw materials enter the plant site and ends when the finished product leaves the plant site.

(P) A taxpayer sells and installs computer hardware and software and provides information technology services to its customers. The hardware and software are tangible personal property subject to sales tax. The technology services are not subject to tax in Missouri but are subject to tax and the taxpayer remits sales tax to Texas. The taxpayer's purchase of machinery and equipment to develop its products and services is intended to manufacture a taxable product or a taxable service intended to be sold ultimately for final use or consumption. The purchase of machinery and equipment is exempt from tax.]

[(Q)](L) A manufacturer purchases four (4) forklifts for use in its plant. The manufacturer intends to use two (2) forklifts to move work in process between two (2) manufacturing steps and the other two (2) for loading the finished product from its warehouse onto trucks. Even though all four (4) forklifts may be rotated between the functions, only the two (2) forklifts essential to the manufacturing process are exempt.

(M) A company makes customized steel pipes per its customer's requested specifications. The company does not make any pipes prior to a customer's order. The company is not engaged in manufacturing, as it does not make a product. The company must pay tax on the purchase of the equipment it uses to make pipes.

(N) In providing medical services, a doctor mixes prescribed medications for treating ailments. Each patient requires a unique drug regimen. The doctor is not engaged in manufacturing, as the doctor does not make a product. The doctor must pay tax on the purchase of the equipment used to mix the drugs.

AUTHORITY: section 144.270, RSMo [2000] 2016. Original rule filed Aug. 31, 1999, effective March 30, 2000. Amended: Filed Aug. 14, 2007, effective March 30, 2008. Amended: Filed July 25, 2023.

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 Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES**Division 70 – MO HealthNet Division****Chapter 3 – Conditions of Provider Participation,
Reimbursement, and Procedure of General
Applicability****PROPOSED AMENDMENT**

13 CSR 70-3.180 Medical Pre-Certification Process. The division is amending the purpose and sections (1), (2), (4), and (7).

PURPOSE: This amendment adds clarifying language, updates material incorporated by reference, and updates outdated terms.

PURPOSE: This rule establishes the medical pre-certification process of the MO HealthNet Program for certain covered diagnostic and ancillary procedures and services prior to provision of the procedure or service as a condition of reimbursement. [This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals, provider bulletins, or clinical edits criteria which are incorporated by reference and made a part of this rule.] The medical pre-certification process serves as a utilization management tool, allowing payment for services that are medically necessary, appropriate, and cost-effective without compromising the quality of care provided to MO HealthNet participants.

(1) Providers are required to *[seek]* **obtain** pre-certification for certain specified services *[listed]* **as outlined** in the provider manuals*[, provider bulletins, or clinical edits criteria]* before delivery of *[the]* services. This rule shall apply to diagnostic and ancillary procedures and services *[listed]* **outlined** in the provider manuals*[,] and* provider bulletins *[,or clinical edits criteria]* when ordered by a healthcare provider, unless provided in an inpatient hospital or emergency room setting. This pre-certification process shall not include primary services performed directly by the provider. In addition to services and procedures that are available through the traditional *[medical assistance]* **MO HealthNet** program, expanded services are available to children twenty (20) years of age and under through the Healthy Children and Youth (HCY) Program. Some expanded services also require pre-certification. Certain services require pre-certification only when provided in a specific place or when they exceed certain limits. These limitations are explained in detail in *[subsections 13(3) and 14(4) of the applicable provider manuals, provider bulletins, or clinical edits criteria,]* **the respective MO HealthNet provider manuals**, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and at its website at www.dss.mo.gov/mhd, April 1, 2009] <http://manuals.momed.com/manuals/>, October 12, 2022. The rule does not incorporate any subsequent amendments or additions. This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals*[, provider bulletins, or clinical edits criteria]*, which are incorporated by reference and made a part of this rule.

(2) All requests for pre-certification must be initiated by an enrolled medical assistance provider and approved by the MO HealthNet Division. A covered service for which pre-certification is *[requested]* **required** must meet medical criteria established by the MO HealthNet Division's medical

consultants or medical advisory groups in order to be approved.

(4) Approved services/procedures must be initiated **or dispensed** within six (6) months of the date the pre-certification approval is issued. Services/procedures initiated **or dispensed** after the six- (6-) month approval period will be void and payment denied.

(7) If a pre-certification request is denied, the *[medical assistance]* **MO HealthNet** participant will receive a letter *[which]* **that** outlines the reason for the denial and the procedure for appeal. The MO HealthNet participant must contact the **MO HealthNet Division's** Participant Services Unit within ninety (90) days of the date of the denial letter *[if they wish]* to request a hearing. After ninety (90) days, a request to appeal the pre-certification decision is denied.

AUTHORITY: sections 208.153, [and] 208.201, and 660.017, RSMo [Supp. 2008] 2016. Original rule filed July 3, 2006, effective Feb. 28, 2007. Amended: Filed March 2, 2009, effective Aug. 30, 2009. Amended: Filed July 26, 2023.

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 Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 19 – DEPARTMENT OF HEALTH AND SENIOR
SERVICES****Division 10 – Office of the Director****Chapter 3 – General and Family Physician Loan and
Training Programs****PROPOSED RULE****19 CSR 10-3.040 Rural Primary Care Physician Grant
Program**

PURPOSE: This rule establishes guidelines for implementing the Rural Primary Care Physician Grant Program.

(1) For the purposes of this regulation, the following definitions shall be used in interpretation and enforcement of this rule:

(A) Awardee means a primary care physician who applied to and was selected by the department to participate in the Rural Primary Care Physician Program;

(B) Department means the Missouri Department of Health and Senior Services;

(C) Director means the director of the Missouri Department of Health and Senior Services;

(D) Health Professional Shortage Area (HPSA) is defined as a geographic area, population group, or facility designated by the United States Department of Health and Human Services'

Health Resources and Services Administration (HRSA) with a shortage of primary care, dental health, or mental health providers and services;

(E) Missouri rural county is defined as a county, in the state of Missouri, with a population of less than thirty-five thousand (35,000) inhabitants;

(F) Primary Care HPSA is defined as the shortage designation in primary care physicians and includes all the primary care specialties in which a primary care physician could be licensed, to determine the primary care HPSA score;

(G) Primary Care HPSA score ranges from one (1) to twenty-five (25) and demonstrates the shortage level of providers providing primary care services in the HPSA; the higher the score, the greater the need;

(H) Primary care physician is defined as a physician licensed and registered pursuant to Chapter 334, RSMo, and engaged in general or family practice, internal medicine, pediatrics, or obstetrics and gynecology (OB/GYN) as his/her primary specialty;

(I) Primary care specialty is defined as general medicine, family medicine, internal medicine, pediatrics, or OB/GYN as his/her specialty; and

(J) Sliding Fee Scale or Schedule is defined as fees for services that are adjusted depending on an individual's income; a payment model providers can use to care for patients who cannot afford care otherwise.

(2) Primary care physicians wanting to be considered for an award under the Rural Primary Care Physician Grant Program must –

(A) Begin providing primary care services after July 1, 2022, in a Missouri rural county, in which the applicant has not previously practiced;

(B) Reside in the same Missouri rural county in which services will be provided;

(C) Not have previously received an award of funds under the rural primary care physician grant program; and

(D) Submit an application package to the department in accordance with this rule.

(3) Bids will be accepted February 1 through March 15 each year.

(4) Applicants must apply by responding to the Rural Primary Care Physicians Grant Program Invitation for Bid posted annually on February 1 at <https://missouribuy.mo.gov/>. Applicants shall follow all applicant instructions regarding format and contents of the application, as described in the Invitation for Bid.

(5) In addition to other information required, as described in the Invitation for Bid, applicants must include the following information in their response to the Invitation for Bid:

(A) Demographical information –

1. Applicant's full name;

2. Primary care specialty, including identifying Doctor of Allopathic Medicine or Doctor of Osteopathic Medicine, as a General, Family Medicine, Internal Medicine, Pediatric, or OB/GYN;

3. National Provider Number (NPI);

4. Medicaid Provider Number;

5. Medicare Provider Number;

6. Employment title;

7. Home address;

8. Home and work email addresses;

9. Employer name;

10. Proposed practicing site location, name, address, and county;

11. Contact phone numbers, including personal, home, and work; and

12. The following information which is used for reporting purposes only and does not affect the determination of awards and will not be used for consideration of eligibility:

A. Substance use disorder services provided (yes/no); and

B. Telehealth services provided (yes/no);

(B) A detailed written description of the proposed practice site, including the facility in which the applicant will be working and the health care services currently provided at that site;

(C) If the applicant will utilize the grant funds to relocate or open a solo or private practice in a rural county, identify the expected location and employment title;

(D) In the event that the applicant is not currently employed or practicing in the rural county, the applicant shall identify the intended rural county and employment information, including practice location, anticipated employment title, and start date projected to begin practice;

(E) Official notification from the Missouri Board of Registration for the Healing Arts that the applicant is licensed in good standing;

(F) Copy of the applicant's Missouri professional license;

(G) Proof of malpractice insurance and a written statement from the applicant's malpractice insurance carrier setting forth any claims that have been made against the applicant and the disposition of those claims;

(H) A copy of the applicant's job description where services will be provided;

(I) A copy of the applicant's executed employment contract for the proposed practice site for a period of no less than two (2) years with the ability to renew up to at least five (5) years or, if self-employed, an attestation agreeing to practice for at least five (5) years in the proposed practice site;

(J) Proof that the location where the physician will practice medicine is in a designated HPSA. The applicant shall provide a print out of HPSA designations for the service area from <http://hpsafind.hrsa.gov/HPSASearch.aspx>. If no Missouri HPSA designations exist for the physician's service area, the applicant shall contact the department to identify other documentation of services to underserved patients; and

(K) Any sliding scale or schedule utilized by the practice site.

(6) In addition to other factors as described in the Invitation for Bid, the Primary Care HPSA will be utilized, for the purposes of this Rural Primary Care Physician Grant Program, to determine the primary care needs in the Missouri rural counties. The department will use the following criteria to prioritize selection for participation in the Rural Physician Grant Program:

(A) Each primary care specialty will be analyzed in each of the applicants' practice site locations to determine the highest need of each specialty within the primary care designation in each of the applicants' practicing rural counties.

1. The department will determine the ratio of each primary care specialty to the population to determine the most needed type of primary care specialty in the specific rural county. The department will use the HRSA data to determine if a county has sufficient number of general medicine, family medicine, internal medicine, pediatrics, or OB/GYN physicians in the specific county in which the applicants specify in their applications. This will allow the department to choose the type of primary care specialty most needed in that specific HPSA area.

A. Priority will be given to an applicant whose practicing county has no physicians of their primary care specialty with the highest HPSA score.

B. If there are multiple applicants with no physicians of their primary care specialty in their practicing county and the county HPSA scores are equal, the department shall prioritize based on the highest county population.

2. If there are multiple applicants with one (1) or more physicians of their primary care specialty in their practicing county, priority will be given to the applicant with the highest HPSA score.

A. If there are multiple applicants with one (1) or more physicians of their primary care specialty in their practicing county and the county HPSA scores are equal, the department shall prioritize based on the highest county population.

B. Priority will be given to the applicant with the lowest ratio of the primary care specialty to the highest population in that county.

3. In the event that all applicants are equally demonstrating the same need in their practicing county, for their specialty and the population being served including HPSA score, the department will conduct a formal drawing by writing each tie applicant's name on a piece of paper and will select at random one (1) of the tied applicant's name for the award. The department will have witnesses present for the formal drawing.

(7) The department may, subject to appropriated funds, contract with awardee(s), to provide grant award(s) of up to two hundred thousand dollars (\$200,000). The awardee(s) shall agree to reside and practice as a primary care physician in a Missouri rural county for a continuous five- (5-) year period and shall provide primary health care services to underserved populations in a Missouri HPSA.

(8) Participation in the Rural Physician Grant Program shall consist of payments directly to an awardee, under a written contract, in the form of direct deposit. Payment will be deposited in the awardee's bank account upon the department's final approval of the written contract.

(9) As described in the Invitation for Bid, the contract shall include information regarding the following:

- (A) Awardee physician's information;
- (B) Contract terms, including the length of contract and required deliverables;
- (C) Verification, waiver, suspension, cancellation, and termination;
- (D) Breach and penalties; and
- (E) Extension.

(10) The contract shall detail that the awardee earns forgiveness on their grant award through a service obligation and the dates of said service obligation shall be prominently shown on the contract.

(11) If the awardee violates the written contract and is in breach of any of the requirements outlined in the Invitation for Bid, the department shall be entitled to recover from the awardee damages as outlined in the Invitation for Bid.

first-year period and two hundred twenty-seven thousand eight hundred eighty-two dollars (\$227,882) to two hundred twenty-eight thousand one hundred twenty-four dollars (\$228,124) annually thereafter.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Rural Health and Primary Care, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102, or via email at ORHPCinfo@health.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.*

AUTHORITY: section 192.006, RSMo 2016. Original rule filed Aug. 1, 2023.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions at least two hundred sixteen thousand one hundred twenty-five dollars (\$216,125) in the

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-105.030**

Rule Number and Title:	19 CSR 10-3.040 Rural Primary Care Physician Grant Program
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$216,125 for the first year period and between \$227,882 and \$228,124 annually thereafter

II. WORKSHEET

.30 Total FTE:

.15 FTE Public Health Program Specialist (Full salary \$50,000)

\$50,000 (salary) x .15 = \$7,500 x 7/12 (7 months) = \$4,375 + \$2,690 (fringe benefits) = \$7,065 for the first year period.

\$50,500 (salary with 1% COLA increase) x .15 = \$7,575 + \$4,639 (fringe benefits) = \$12,214 year 2.

\$51,005 (salary with 1% COLA increase from year 2) x .15 = \$7,651 + \$4,667 (fringe benefits) = \$12,318 year 3.

.10 FTE Senior Public Health Program Specialist (Full salary \$62,400)

\$62,400 (salary) x .10 = \$6,240 x 7/12 (7 months) = \$3,640 + \$2,056 (fringe benefits) = \$5,696 for the first year period.

\$63,024 (salary with 1% COLA increase) x .10 = \$6,302 + \$3,548 (fringe benefits) = \$9,850 year 2.

\$63,348 (salary with 1% COLA increase from year 2) x .10 = \$6,365 + \$3,571 (fringe benefits) = \$9,936 year 3.

.05 FTE Public Health Program Specialist (Full salary \$75,370)

$\$75,370$ (salary) $\times .05 = \$3,768 \times 7/12$ (7 months) $= \$2,198 + \$1,166$ (fringe benefits) $= \$3,364$ for the first year period.

$\$76,124$ (salary with 1% COLA increase) $\times .05 = \$3,806 + \$2,012$ (fringe benefits) $= \$5,818$ year 2.

$\$76,877$ (salary with 1% COLA increase from year 2) $\times .05 = \$3,844 + \$2,026$ (fringe benefits) $= \$5,870$ year 3.

Rural Primary Care Physician Grant Program Award Amount

Estimated One-Time and on-going annual contract cost of \$200,000 for application and contract creation and set-up.

IV. ASSUMPTIONS

In order to process the applications and application review described in this proposed rule, the department will need .15 of a Public Health Program Specialist, .10 of a Senior Public Health Program Specialist, and .05 of a Public Health Program Manager.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 4240 – Public Service Commission
Chapter 40 – Gas Utilities and Gas Safety Standards**

PROPOSED AMENDMENT

20 CSR 4240-40.030 Safety Standards – Transportation of Gas by Pipeline. The commission is amending sections (1), (4), (7), (9), (12), (13), (16), and Appendix E.

*PURPOSE: This amendment modifies the rule to address amendments of 49 CFR part 192 promulgated between January 2022 and December 2022, technical corrections published in the **Federal Register** on April 24, 2023, page 88 FR 24708, and corrects typographical errors.*

(1) General.

(B) Definitions. (192.3) As used in this rule –

1. Abandoned means permanently removed from service;
2. Active corrosion means continuing corrosion that, unless controlled, could result in a condition that is detrimental to public safety;

3. Administrator means the Administrator of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation to whom authority in the matters of pipeline safety have been delegated by the Secretary of the United States Department of Transportation, or his or her delegate;

4. Alarm means an audible or visible means of indicating to the controller that equipment or processes are outside operator-defined, safety-related parameters;

5. Building means any structure that is regularly or periodically occupied by people;

6. **Close interval survey means a series of closely and properly spaced pipe-to-electrolyte potential measurements taken over the pipe to assess the adequacy of cathodic protection or to identify locations where a current may be leaving the pipeline that may cause corrosion and for the purpose of quantifying voltage (IR) drops other than those across the structure electrolyte boundary, such as when performed as a current interrupted, depolarized, or native survey;**

[6.]7. Commission means the Missouri Public Service Commission;

[7.]8. Composite materials means materials used to make pipe or components manufactured with a combination of either steel and/or plastic and with a reinforcing material to maintain its circumferential or longitudinal strength;

[8.]9. Control room means an operations center staffed by personnel charged with the responsibility for remotely monitoring and controlling a pipeline facility;

[9.]10. Controller means a qualified individual who remotely monitors and controls the safety-related operations of a pipeline facility via a supervisory control and data acquisition (SCADA) system from a control room, and who has operational authority and accountability for the remote operational functions of the pipeline facility;

[10.]11. Customer meter means the meter that measures the transfer of gas from an operator to a consumer;

[11.]12. Designated commission personnel means the pipeline safety program manager at the address contained in 20 CSR 4240-40.020(5)(E) for correspondence;

13. **Distribution center means the initial point where gas enters piping used primarily to deliver gas to customers**

who purchase it for consumption, as opposed to customers who purchase it for resale, for example –

A. At a metering location;

B. A pressure reduction location; or

C. Where there is a reduction in the volume of gas, such as a lateral off a transmission line;

[12.]14. Distribution line means a pipeline other than a gathering or transmission line;

15. **Dry gas or dry natural gas means gas above its dew point and without condensed liquids;**

[13.]16. Electrical survey means a series of closely spaced pipe-to-soil readings over pipelines which are subsequently analyzed to identify locations where a corrosive current is leaving the pipeline, except that other indirect examination tools/methods can be used for an electrical survey included in the federal regulations in 49 CFR part 192, subpart O and appendix E (incorporated by reference in section (16));

[14.]17. Engineering critical assessment (ECA) means a documented analytical procedure based on fracture mechanics principles, relevant material properties (mechanical and fracture resistance properties), operating history, operational environment, in-service degradation, possible failure mechanisms, initial and final defect sizes, and usage of future operating and maintenance procedures to determine the maximum tolerable sizes for imperfections based upon the pipeline segment maximum allowable operating pressure;

18. **Entirely replaced transmission pipeline segments means, for the purposes of subsections (4)(U) and (12)(X), where two (2) or more miles, in the aggregate, of transmission pipeline have been replaced within any five (5) contiguous miles of pipeline within any twenty-four (24-) month period;**

[15.]19. Feeder line means a distribution line that has a maximum allowable operating pressure (MAOP) greater than 100 psi (689 kPa) gauge that produces hoop stresses less than twenty percent (20%) of specified minimum yield strength (SMYS);

[16.]20. Follow-up inspection means an inspection performed after a repair procedure has been completed in order to determine the effectiveness of the repair and to ensure that all hazardous leaks in the area are corrected;

[17.]21. Fuel line means the customer-owned gas piping downstream from the outlet of the customer meter or operator-owned pipeline, whichever is farther downstream;

[18.]22. Gas means natural gas, flammable gas, manufactured gas, or gas which is toxic or corrosive;

[19.]23. Gathering line means a pipeline that transports gas from a current production facility to a transmission line or main;

24. **Hard spot means an area on steel pipe material with a minimum dimension greater than two inches (2") (50.8 mm) in any direction and hardness greater than or equal to Rockwell 35 HRC (Brinell 327 HB or Vickers 345 HV₁₀);**

[20.]25. High-pressure distribution system means a distribution system in which the gas pressure in the main is higher than an equivalent to fourteen inches (14") water column;

[21.]26. Hoop stress means the stress in a pipe wall acting circumferentially in a plane perpendicular to the longitudinal axis of the pipe produced by the pressure in the pipe;

27. **In-line inspection (ILI) means an inspection of a pipeline from the interior of the pipe using an inspection tool also called intelligent or smart pigging. This definition includes tethered and self-propelled inspection tools;**

28. **In-line inspection tool or instrumented internal**

inspection device means an instrumented device or vehicle that uses a non-destructive testing technique to inspect the pipeline from the inside in order to identify and characterize flaws to analyze pipeline integrity; also known as an intelligent or smart pig;

[22.]29. Listed specification means a specification listed in subsection I. of Appendix B, which is included herein (at the end of this rule);

[23.]30. Low-pressure distribution system means a distribution system in which the gas pressure in the main is less than or equal to an equivalent of fourteen inches (14") water column;

[24.]31. Main means a distribution line that serves as a common source of supply for more than one (1) service line;

[25.]32. Maximum actual operating pressure means the maximum pressure that occurs during normal operations over a period of one (1) year;

[26.]33. Maximum allowable operating pressure (MAOP) means the maximum pressure at which a pipeline or segment of a pipeline may be operated under this rule;

[27.]34. Moderate consequence area means –

A. An onshore area that is within a “potential impact circle” as defined in 49 CFR 192.903 (incorporated by reference in section (16)), containing either –

(I) Five (5) or more buildings intended for human occupancy; or

(II) Any portion of the paved surface (including shoulders) of a designated “interstate,” “other freeway or expressway,” as well as any “other principal arterial” roadway with four (4) or more lanes, as defined in the Federal Highway Administration’s *Highway Functional Classification Concepts, Criteria and Procedures*, Section 3.1 (see: https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/fcauab.pdf), and that does not meet the definition of “high consequence area” in 49 CFR 192.903 (incorporated by reference in section (16)); and

B. The length of the moderate consequence area extends axially along the length of the pipeline from the outermost edge of the first potential impact circle containing either five (5) or more buildings intended for human occupancy; or any portion of the paved surface, including shoulders, of any designated interstate, freeway, or expressway, as well as any other principal arterial roadway with four (4) or more lanes, to the outermost edge of the last contiguous potential impact circle that contains either five (5) or more buildings intended for human occupancy, or any portion of the paved surface, including shoulders, of any designated interstate, freeway, or expressway, as well as any other principal arterial roadway with four (4) or more lanes;

[28.]35. Municipality means a city, village, or town;

36. Notification of potential rupture means the notification to, or observation by, an operator of indicia identified in subsection (12)(Y) of a potential unintentional or uncontrolled release of a large volume of gas from a pipeline;

[29.]37. Operator means a person who engages in the transportation of gas;

[30.]38. Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative of them;

[31.]39. Petroleum gas means propane, propylene, butane (normal butane or isobutanes), and butylene (including isomers), or mixtures composed predominantly of these gases, having a vapor pressure not exceeding 208 psi (1434 kPa)

gauge at 100°F (38°C);

[32.]40. PHMSA means the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation;

[33.]41. Pipe means any pipe or tubing used in the transportation of gas, including pipe-type holders;

[34.]42. Pipeline means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;

[35.]43. Pipeline environment includes soil resistivity (high or low), soil moisture (wet or dry), soil contaminants that may promote corrosive activity, and other known conditions that could affect the probability of active corrosion;

[36.]44. Pipeline facility means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation;

[37.]45. Reading means the highest sustained reading when testing in a bar hole or opening without induced ventilation;

46. Rupture-mitigation valve (RMV) means an automatic shut-off valve (ASV) or a remote-control valve (RCV) that a pipeline operator uses to minimize the volume of gas released from the pipeline and to mitigate the consequences of a rupture;

[38.]47. Service line means a distribution line that transports gas from a common source of supply to an individual customer, to two (2) adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to a customer’s piping, whichever is further downstream, or at the connection to customer piping if there is no meter;

[39.]48. Service regulator means the device on a service line that controls the pressure of gas delivered from a higher pressure to the pressure provided to the customer. A service regulator may serve one (1) customer or multiple customers through a meter header or manifold;

[40.]49. SMYS means specified minimum yield strength is –

A. For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification; or

B. For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with paragraph (3)(D)2. (192.107(b));

[41.]50. Supervisory control and data acquisition (SCADA) system means a computer-based system or systems used by a controller in a control room that collects and displays information about a pipeline facility and may have the ability to send commands back to the pipeline facility;

[42.]51. Sustained reading means the reading taken on a combustible gas indicator unit after adequately venting the test hole or opening;

[43.]52. Transmission line means a pipeline **or connected series of pipelines**, other than a gathering line, that –

A. Transports gas from a gathering pipeline or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center (A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.);

B. **[Operates at a hoop stress] Has an MAOP** of twenty

percent (20%) or more of SMYS; *[or]*

C. Transports gas within a storage field; **or**

D. Is voluntarily designated by the operator as a transmission pipeline;

[44.]53. Transportation of gas means the gathering, transmission, or distribution of gas by pipeline or the storage of gas, in or affecting intrastate, interstate, or foreign commerce;

[45.]54. Tunnel means a subsurface passageway large enough for a man to enter;

[46.]55. Vault or manhole means a subsurface structure that a man can enter;

[47.]56. Weak link means a device or method used when pulling polyethylene pipe, typically through methods such as horizontal directional drilling, to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed;

[48.]57. Welder means a person who performs manual or semi-automatic welding;

[49.]58. Welding operator means a person who operates machine or automatic welding equipment; *[and]*

59. Wrinkle bend means a bend in the pipe that –

A. Was formed in the field during construction such that the inside radius of the bend has one (1) or more ripples with –

(I) An amplitude greater than or equal to one and one-half (1.5) times the wall thickness of the pipe, measured from peak to valley of the ripple; or

(II) With ripples less than one and one-half (1.5) times the wall thickness of the pipe and with a wrinkle length (peak to peak) to wrinkle height (peak to valley) ratio under twelve (12); and

B. If the length of the wrinkle bend cannot be reliably determined, then wrinkle bend means a bend in the pipe where $(h/D) \times 100$ exceeds 2 when S is less than 37,000 psi (255 MPa), where $(h/D) \times 100$ exceeds $(47,000 - S) / 10,000 + 1$ for psi $[(324 - S) / 69 + 1$ for MPa] when S is greater than 37,000 psi (255 MPa) but less than 47,000 psi (324 MPa), and where $(h/D) \times 100$ exceeds 1 when S is 47,000 psi (324 MPa) or more. Where –

(I) D = Outside diameter of the pipe, in. (mm);

(II) h = Crest-to-trough height of the ripple, in. (mm); and

(III) S = Maximum operating hoop stress, psi (S/145, MPa); and

[50.]60. Yard line means an underground fuel line that transports gas from the service line to the customer's building. If multiple buildings are being served, building means the building nearest to the connection to the service line. For purposes of this definition, if aboveground fuel line piping at the meter location is located within five feet (5') of a building being served by that meter, it will be considered to the customer's building and no yard line exists. At meter locations where aboveground fuel line piping is located greater than five feet (5') from the building(s) being served, the underground fuel line from the meter to the entrance into the nearest building served by that meter will be considered the yard line and any other lines are not considered yard lines.

(D) Incorporation By Reference of the Federal Regulation at 49 CFR 192.7. (192.7)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2020] 2021, and the subsequent amendment 192-[128] 132 (published in *Federal Register* on [January 11, 2021] August 24, 2022, page [86] 87 FR [2210] 52224), the federal regulation at 49 CFR 192.7 is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.7.

2. The *Code of Federal Regulations* and the *Federal Register* are published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2020] 2021, version of 49 CFR part 192 is available at <https://www.govinfo.gov/#citation>. The *Federal Register* publication on page [86] 87 FR [2210] 52224 is available at [<https://www.govinfo.gov/content/pkg/FR-2021-01-11/pdf/2021-00208.pdf>] <https://www.govinfo.gov/content/pkg/FR-2022-08-24/pdf/2022-17031.pdf>.

3. The regulation at 49 CFR 192.7 provides a listing of the documents that are incorporated by reference partly or wholly in 49 CFR part 192, which is the federal counterpart and foundation for this rule. All incorporated materials are available for inspection from several sources, including the following sources:

A. The Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. For more information, contact 202-366-4046 or go to the PHMSA website at www.phmsa.dot.gov/pipeline/regs;

B. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to the NARA website at www.archives.gov/federal-register/cfr/ibr-locations.html or call 202-741-6030 or 866-272-6272; and

C. Copies of standards incorporated by reference can also be purchased or are otherwise made available from the respective standards-developing organizations listed in 49 CFR 192.7.

4. Federal amendment 192-94 (published in *Federal Register* on June 14, 2004, page 69 FR 32886) moved the listing of incorporated documents to 49 CFR 192.7 from 49 CFR part 192–Appendix A, which is now “Reserved.” This listing of documents was in Appendix A to this rule prior to the 2008 amendment of this rule. As of the 2008 amendment, Appendix A to this rule is also “Reserved” and included herein.

(E) Gathering Lines. (192.8 and 192.9)

1. *[As set forth in the Code of Federal Regulations (CFR) dated October 1, 2020, and the subsequent amendments 192-129 (published in Federal Register on November 15, 2021, page 86 FR 63266) and 192-131 (published in Federal Register on May 4, 2022, page 86 FR 26296), the federal regulations at 49 CFR 192.8 and 192.9 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.8 and 192.9.]*
How are Gathering Pipelines and Regulated Gathering Pipelines Determined? (192.8)

A. An operator must use API RP 80 (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)), to determine if a pipeline (or part of a connected series of pipelines) is a gathering line. The determination is subject to the limitations listed below. After making this determination, an operator must determine if the gathering line is a regulated gathering line under subparagraph (1)(E)1.B.

(I) The beginning of gathering, under section 2.2(a)(1) of API RP 80, may not extend beyond the furthestmost downstream point in a production operation as defined in section 2.3 of API RP 80. This furthestmost downstream point does not include equipment that can be used in either production or transportation, such as separators or dehydrators, unless that equipment is involved in the processes of “production and preparation for transportation or delivery of hydrocarbon gas” within the meaning of “production operation.”

(II) The endpoint of gathering, under section 2.2(a)(1)(A) of API RP 80, may not extend beyond the

first downstream natural gas processing plant, unless the operator can demonstrate, using sound engineering principles, that gathering extends to a further downstream plant.

(III) If the endpoint of gathering, under section 2.2(a)(1)(C) of API RP 80, is determined by the commingling of gas from separate production fields, the fields may not be more than fifty (50) miles from each other, unless the administrator finds a longer separation distance is justified in a particular case (see 49 CFR 190.9).

(IV) The endpoint of gathering, under section 2.2(a)(1)(D) of API RP 80, may not extend beyond the furthestmost downstream compressor used to increase gathering line pressure for delivery to another pipeline.

(V) For new, replaced, relocated, or otherwise changed gas gathering pipelines installed after May 16, 2022, the endpoint of gathering under sections 2.2(a)(1)(E) and 2.2.1.2.6 of API RP 80 – also known as “incidental gathering” – may not be used if the pipeline terminates ten (10) or more miles downstream from the furthestmost downstream endpoint as defined in paragraphs 2.2(a)(1)(A) through (a)(1)(D) of API RP 80 and paragraph (1)(E)1. If an “incidental gathering” pipeline is ten (10) miles or more in length, the entire portion of the pipeline that is designated as an incidental gathering line under 2.2(a)(1)(E) and 2.2.1.2.6 of API RP 80 shall be classified as a transmission pipeline subject to rules 20 CSR 4240-40.020, 20 CSR 4240-40.030, 20 CSR 4240-40.033, and 20 CSR 4240-40.080.

B. Each operator must determine and maintain for the life of the pipeline records documenting the methodology by which it calculated the beginning and end points of each gathering pipeline it operates, as described in the second column of table 1 to part (1)(E)1.C.(II), by –

(I) November 16, 2022, or before the pipeline is placed into operation, whichever is later; or

(II) An alternative deadline approved by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The operator must notify PHMSA and designated commission personnel no later than ninety (90) days in advance of the deadline in part (1)(E)1.B.(I). The notification must be made in accordance with subsection (1)(M) and must include the following information:

(a) Description of the affected facilities and operating environment;

(b) Justification for an alternative compliance deadline; and

(c) Proposed alternative deadline.

C. For purposes of 20 CSR 4240-40.020 and paragraph (1)(E)2., the term “regulated gathering pipeline” means –

(I) Each Type A, Type B, or Type C gathering pipeline (or segment of gathering pipeline) with a feature described in the second column of table 1 to part (1)(E)1.C.(II) that lies in an area described in the third column; and

(II) As applicable, additional lengths of pipeline described in the fourth column to provide a safety buffer.

Table 1 to Part (1)(E)1.C.(II)

Type	Feature	Area	Safety Buffer
A	• Metallic and the MAOP produces a hoop stress of twenty percent (20%) or more of SMYS. • If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in section (3). • Non-metallic and the MAOP is more than one hundred twenty-five (125) psig (862 kPa).	Class 2, 3, or 4 location (see subsection (1)(C)).	None.
B	• Metallic and the MAOP produces a hoop stress of less than twenty percent (20%) of SMYS. If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in section (3). • Non-metallic and the MAOP is one hundred twenty-five (125) psig (862 kPa) or less.	Area 1. Class 3 or 4 location. Area 2. An area within a Class 2 location the operator determines by using any of the following three methods: (a) A Class 2 location; (b) An area extending one hundred fifty feet (150') (45.7 m) on each side of the centerline of any continuous one (1) mile (1.6 km) of pipeline and including more than ten (10) but fewer than forty-six (46) dwellings; or (c) An area extending one hundred fifty feet (150') (45.7 m) on each side of the centerline of any continuous one thousand feet (1000') (305 m) of pipeline and including five (5) or more dwellings.	If the gathering pipeline is in Area 2(b) or 2(c), the additional lengths of line extend upstream and downstream from the area to a point where the line is at least one hundred fifty feet (150') (45.7 m) from the nearest dwelling in the area. However, if a cluster of dwellings in Area 2(b) or 2(c) qualifies a pipeline as Type B, the Type B classification ends one hundred fifty feet (150') (45.7 m) from the nearest dwelling in the cluster.
C	• Outside diameter greater than or equal to 8.625 inches and any of the following: • Metallic and the MAOP produces a hoop stress of twenty percent (20%) or more of SMYS; • If the stress level is unknown, segment is metallic and the MAOP is more than one hundred twenty-five (125) psig (862 kPa); or • Non-metallic and the MAOP is more than one hundred twenty-five (125) psig (862 kPa).	Class 1 location.	None.
R	All other gathering lines	Class 1 and Class 2 locations	None.

D. A Type R gathering line is subject to reporting requirements under 20 CSR 4240-40.020 but is not a regulated gathering line under this rule.

E. For the purpose of identifying Type C lines in table 1 to part (1)(E)1.C.(II), if an operator has not calculated MAOP consistent with the methods at paragraph (12)(M)1. or subparagraph (12)(M)3.A., the operator must either –

(a) Calculate MAOP consistent with the methods at paragraph (12)(M)1. or subparagraph (12)(M)3.A.; or

(b) Use as a substitute for MAOP the highest operating pressure to which the segment was subjected during the preceding five (5) operating years.

2. [The Code of Federal Regulations is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, 2020, version of 49 CFR part 192 is available at <https://www.govinfo.gov/#citation>. The Federal Register publication on page 86 FR 63266 is available at <https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24240.pdf>.] What Requirements Apply to Gathering Pipelines?

(192.9)

A. Requirements. An operator of a gathering line must follow the safety requirements of this rule as prescribed by this paragraph.

B. Type A lines. An operator of a Type A regulated gathering line must comply with the requirements of this rule applicable to transmission lines, except the requirements in (1)(G)4., (4)(HH), (6)(H)5., (7)(J)3.–6., (9)(G)6.–9., (9)(I)4. and 6., (9)(M)3., (9)(S)3., (9)(X), (9)(Y), (10)(K), (12)(E), (12)(H)3., (12)(M)5., (12)(U), (13)(DD), (13)(EE), (13)(GG), and section (16) – Pipeline Integrity Management for Transmission Lines (Subpart O). However, an operator of a Type A regulated gathering line in a Class 2 location may demonstrate compliance with subsection (12)(D) by describing the processes it uses to determine the qualification of persons performing operations and maintenance tasks.

C. Type B lines. An operator of a Type B regulated gathering line must comply with the following requirements:

(I) If a line is new, replaced, relocated, or otherwise changed, the design, installation, construction, initial inspection, and initial testing must be in accordance with requirements of this rule applicable to transmission lines. Compliance with (2)(G), (3)(M), (4)(U)4. and 5., (4)(II), (5)(D)3., (6)(H)5., (7)(J)3.-6., (10)(K), (12)(X), and (12)(Z) is not required;

(II) If the pipeline is metallic, control corrosion according to requirements of section (9) applicable to transmission lines, except the requirements in (9)(G)6.-9., (9)(I)4. and 6., (9)(M)3., (9)(S)3., (9)(X), and (9)(Y);

(III) If the pipeline contains plastic pipe or components, the operator must comply with all applicable requirements of this rule for plastic pipe components;

(IV) Carry out a damage prevention program under subsection (12)(I);

(V) Establish a public education program under subsection (12)(K);

(VI) Establish the MAOP of the line under paragraphs (12)(M)1., 2., and 3;

(VII) Install and maintain line markers according to the requirements for transmission lines in subsection (13)(E); and

(VIII) Conduct leakage surveys in accordance with the requirements for transmission lines in subsection (13)(D), using leak-detection equipment, and promptly repair hazardous leaks in accordance with paragraph (13)(B)3.

D. Type C lines. The requirements for Type C gathering lines are as follows:

(I) An operator of a Type C gathering line with an outside diameter greater than or equal to eight and five-eighths inches (8.625") must comply with the following requirements:

(a) Except as provided in subparagraph (1)(E)2.G. for pipe and components made with composite materials, the design, installation, construction, initial inspection, and initial testing of a new, replaced, relocated, or otherwise changed Type C gathering line, must be done in accordance with the requirements in sections (2)-(7) and (10) applicable to transmission lines. Compliance with (2)(G), (3)(M), (4)(U)4. and 5., (4)(II), (5)(D)3., (6)(H)5., (7)(J)3.-6., (10)(K), (12)(X), and (12)(Z) is not required;

(b) If the pipeline is metallic, control corrosion according to requirements of section (9) applicable to transmission lines, except the requirements in (9)(G)6.-9., (9)(I)4. and 6., (9)(M)3., (9)(S)3., (9)(X), and (9)(Y);

(c) Carry out a damage prevention program under subsection (12)(I);

(d) Develop and implement procedures for emergency plans in accordance with subsection (12)(J);

(e) Develop and implement a written public awareness program in accordance with subsection (12)(K);

(f) Install and maintain line markers according to the requirements for transmission lines in subsection (13)(E); and

(g) Conduct leakage surveys in accordance with the requirements for transmission lines in subsection (13)(D) using leak-detection equipment, and promptly repair hazardous leaks in accordance with paragraph (13)(B)3.; and

(II) An operator of a Type C gathering line with an outside diameter greater than twelve and three-quarters inches (12.75") must comply with the requirements in part (1)(E)2.D.(I) and the following:

(a) If the pipeline contains plastic pipe, the operator must comply with all applicable requirements

of this rule for plastic pipe or components. This does not include pipe and components made of composite materials that incorporate plastic in the design; and

(b) Establish the MAOP of the pipeline under paragraphs (12)(M)1. or 3. and maintain records used to establish the MAOP for the life of the pipeline.

E. Exceptions.

(I) Compliance with subparts (1)(E)2.D.(I)(b), (e), (f), and (g) and subparts (1)(E)2.D.(II)(a) and (b) is not required for pipeline segments that are sixteen inches (16") or less in outside diameter if one of the following criteria are met:

(a) Method 1. The segment is not located within a potential impact circle containing a building intended for human occupancy or other impacted site. The potential impact circle must be calculated as specified in 49 CFR 192.903 (incorporated by reference in section (16)), except that a factor of 0.73 must be used instead of 0.69. The MAOP used in this calculation must be determined and documented in accordance with subpart (1)(E)2.D.(II)(b); and

(b) Method 2. The segment is not located within a class location unit (see subsection (1)(C)) containing a building intended for human occupancy or other impacted site.

(II) Subpart (1)(E)2.D.(I)(a) is not applicable to pipeline segments forty feet (40') or shorter in length that are replaced, relocated, or changed on a pipeline existing on or before May 16, 2022.

(III) For purposes of paragraph (1)(E)2., the term "building intended for human occupancy or other impacted site" means any of the following:

(a) Any building that may be occupied by humans, including homes, office buildings factories, outside recreation areas, plant facilities, etc.;

(b) A small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty (20) or more persons on at least five (5) days a week for ten (10) weeks in any twelve- (12-) month period (the days and weeks need not be consecutive); or

(c) Any portion of the paved surface, including shoulders, of a designated interstate, other freeway, or expressway, as well as any other principal arterial roadway with four (4) or more lanes.

F. Compliance deadlines. An operator of a regulated gathering line must comply with the following deadlines, as applicable.

(I) An operator of a new, replaced, relocated, or otherwise changed line must be in compliance with the applicable requirements of this paragraph by the date the line goes into service, unless an exception in subsection (1)(G) applies.

(II) If a Type A or Type B regulated gathering pipeline existing on April 14, 2006, was not previously subject to this rule, an operator has until the date stated in the second column to comply with the applicable requirement for the pipeline listed in the first column, unless the administrator finds a later deadline is justified in a particular case:

Requirement	Compliance Deadline
(i) Control corrosion according to requirements for transmission lines in section (9).	April 15, 2009.
(ii) Carry out a damage prevention program under subsection (12)(I).	October 15, 2007.
(iii) Establish MAOP under subsection (12)(M).	October 15, 2007.
(iv) Install and maintain line markers under subsection (13)(E).	April 15, 2008.
(v) Establish a public education program under subsection (12)(K).	April 15, 2008.
(vi) Other provisions of this rule as required by subparagraph (1)(E)2.B. for Type A lines.	April 15, 2009.

(III) If, after April 14, 2006, a change in class location or increase in dwelling density causes a gathering pipeline to become a Type A or Type B regulated gathering line, the operator has one (1) year for Type B lines and two (2) years for Type A lines after the pipeline becomes a regulated gathering pipeline to comply with paragraph (1)(E)2.

(IV) If a Type C gathering pipeline existing on or before May 16, 2022, was not previously subject to this rule, an operator must comply with the applicable requirements of paragraph (1)(E)2., except for subparagraph (1)(E)2.G., on or before:

(a) May 16, 2023; or

(b) An alternative deadline approved by PHMSA. The operator must notify PHMSA and designated commission personnel no later than ninety (90) days in advance of the deadline in part (1)(E)1.B.(I). The notification must be made in accordance with subsection (1)(M) and must include a description of the affected facilities and operating environment, the proposed alternative deadline for each affected requirement, the justification for each alternative compliance deadline, and actions the operator will take to ensure the safety of affected facilities.

(V) If, after May 16, 2022, a change in class location, an increase in dwelling density, or an increase in MAOP causes a pipeline to become a Type C gathering pipeline, or causes a Type C gathering pipeline to become subject to additional Type C requirements (see subparagraph (1)(E)2.E.), the operator has one (1) year after the pipeline becomes subject to the additional requirements to comply with paragraph (1)(E)2.

G. Composite materials. Pipe and components made with composite materials not otherwise authorized for use under this rule may be used on Type C gathering pipelines if the following requirements are met:

(I) Steel and plastic pipe and components must meet the installation, construction, initial inspection, and initial testing requirements in sections (2)–(7) and (10) applicable to transmission lines;

(II) Operators must notify PHMSA in accordance with subsection (1)(M) at least ninety (90) days prior to installing new or replacement pipe or components made of composite materials otherwise not authorized for use under this rule in a Type C gathering pipeline. The notifications required by this paragraph must include a

detailed description of the pipeline facilities in which pipe or components made of composite materials would be used, including:

(a) The beginning and end points (stationing by footage and mileage with latitude and longitude coordinates) of the pipeline segment containing composite pipeline material and the counties and states in which it is located;

(b) A general description of the right-of-way including high consequence areas, as defined in 49 CFR 192.905 (incorporated by reference in section (16));

(c) Relevant pipeline design and construction information including the year of installation, the specific composite material, diameter, wall thickness, and any manufacturing and construction specifications for the pipeline;

(d) Relevant operating information, including MAOP, leak and failure history, and the most recent pressure test (identification of the actual pipe tested, minimum and maximum test pressure, duration of test, any leaks, and any test logs and charts) or assessment results;

(e) An explanation of the circumstances that the operator believes make the use of composite pipeline material appropriate and how the design, construction, operations, and maintenance will mitigate safety and environmental risks;

(f) An explanation of procedures and tests that will be conducted periodically over the life of the composite pipeline material to document that its strength is being maintained;

(g) Operations and maintenance procedures that will be applied to the alternative materials. These include procedures that will be used to evaluate and remediate anomalies and how the operator will determine safe operating pressures for composite pipe when defects are found;

(h) An explanation of how the use of composite pipeline material would be in the public interest; and

(i) A certification signed by a vice president (or equivalent or higher officer) of the operator's company that operation of the applicant's pipeline using composite pipeline material would be consistent with pipeline safety; and

(III) Repairs or replacements using materials authorized under this rule do not require notification under paragraph (1)(E)2.

[3. The regulations at 49 CFR 192.8 and 192.9 provide the requirements for gathering lines. The requirements for offshore lines are not applicable to Missouri.

4. For purposes of this subsection, the following substitutions should be made for certain references in the federal pipeline safety regulations incorporated by reference in paragraph (1)(E)1.

A. The references to "part 191 of this chapter" in 49 CFR 192.8 should refer to "20 CSR 4240-40.020" instead.

B. The references to "section 192.18" in 49 CFR 192.8 and 192.9 should refer to "subsection (1)(M) of this rule" instead.]

(G) What General Requirements Apply to Pipelines Regulated Under this Rule? (192.13)

1. No person may operate a segment of pipeline listed in the first column that is readied for service after the date in the second column, unless –

A. The pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this

rule; or

B. The pipeline qualifies for use under this rule in accordance with subsection (1)(H). (192.14)

Pipeline	Date
Regulated onshore gathering pipeline to which this rule did not apply until April 14, 2006 (see (1)(E))	March 15, 2007
Regulated onshore gathering pipeline to which this rule did not apply until May 16, 2022 (see (1)(E))	May 16, 2023
All other pipelines	March 12, 1971

2. No person may operate a segment of pipeline listed in the first column that is replaced, relocated, or otherwise changed after the date in the second column, unless that replacement, relocation, or change has been made according to the requirements in this rule.

Pipeline	Date
Regulated onshore gathering pipeline to which this rule did not apply until April 14, 2006 (see (1)(E))	March 15, 2007
Regulated onshore gathering pipeline to which this rule did not apply until May 16, 2022 (see (1)(E))	May 16, 2023
All other pipelines	November 12, 1970

3. Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this rule.

4. Each operator of a gas transmission pipeline must evaluate and mitigate, as necessary, significant changes that pose a risk to safety or the environment through a management of change process. Each operator of a gas transmission pipeline must develop and follow a management of change process, as outlined in ASME/ANSI B31.8S, section 11 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), that addresses technical, design, physical, environmental, procedural, operational, maintenance, and organizational changes to the pipeline or processes, whether permanent or temporary. A management of change process must include the following: reason for change, authority for approving changes, analysis of implications, acquisition of required work permits, documentation, communication of change to affected parties, time limitations, and qualification of staff. For pipeline segments other than those covered in section (16)–Pipeline Integrity Management for Transmission Lines (Subpart O), this management of change process must be implemented by February 26, 2024. The requirements of this paragraph do not apply to gas gathering pipelines. Operators may request an extension of up to one (1) year by submitting a notification to PHMSA at least ninety (90) days before February 26, 2024, in accordance with subsection (1)(M). The notification must include a reasonable and technically justified basis, an up-to-date plan for completing all actions required by this subsection, the reason for the requested extension, current safety or mitigation status of the pipeline segment, the proposed completion date, and any needed temporary safety measures to mitigate the impact on safety.

[4.75. This section and sections (9) and (11)–(17) apply regardless of installation date. The requirements within other sections of this rule apply regardless of the installation date only when specifically stated as such.

(M) How to Notify PHMSA and Designated Commission Personnel. (192.18)

1. An operator must provide any notification required by this rule by –

A. Sending the notification by electronic mail to

InformationResourcesManager@dot.gov; or

B. Sending the notification by mail to ATTN: Information Resources Manager, DOT/PHMSA/OPS, East Building, 2nd Floor, E22–321, 1200 New Jersey Ave. SE, Washington, DC 20590.

2. An operator must also notify designated commission personnel by electronic mail to PipelineSafetyProgramManager@psc.mo.gov or by mail to Pipeline Safety Program Manager, Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

3. Unless otherwise specified, if *[the notification is made] an operator submits*, pursuant to (1)(E), (1)(G)4., (4)(U)4.–6., (7)(J)4., (9)(G)7., (10)(K)2., (12)(E)5.D., *[and] (12)(E)5.E., (12)(M)3.B., (12)(U)3.B.(III), [and] (12)(U)3.F., (12)(V)2.C., (12)(X)1., (12)(X)2.C., (12)(X)2.D., (12)(Z)3., (13)(U)5.A., (13)(DD)3.G., (13)(EE)4.C.(IV), [and] (13)(EE)5.B.(I)(e), (13)(GG)5.B., (13)(GG)5.C., 49 CFR 192.921(a)(7) (incorporated by reference in section (16)), or 49 CFR 192.937(c)(7) (incorporated by reference in section (16))*, *[to] a notification for use of a different integrity assessment method, analytical method, compliance period, sampling approach, pipeline material, or technique ([i.e.] e.g., “other technology” [that differs from that prescribed] or “alternative equivalent technology”)* than otherwise prescribed in those requirements, *[the operator must notify] that notification must be submitted to PHMSA for review* at least ninety (90) days in advance of using the *[“]other [technology”] method, approach, compliance timeline, or technique*. An operator may proceed to use the *[“]other [technology”] method, approach, compliance timeline, or technique* ninety-one (91) days after *[submittal of] submitting* the notification unless it receives a letter from the Associate Administrator for Pipeline Safety informing the operator that PHMSA objects to the *[proposed use of “other technology”] proposal* or that PHMSA requires additional time to conduct its review.

(4) Design of Pipeline Components.

(U) Transmission Line Valves. (192.179)

1. Each transmission line must have sectionalizing block valves spaced as follows, unless in a particular case the administrator finds that alternative spacing would provide an equivalent level of safety:

A. Each point on the pipeline in a Class 4 location must be within two and one-half (2 1/2) miles (4 kilometers) of a valve;

B. Each point on the pipeline in a Class 3 location must be within four (4) miles (6.4 kilometers) of a valve;

C. Each point on the pipeline in a Class 2 location must be within seven and one-half (7 1/2) miles (12 kilometers) of a valve; and

D. Each point on the pipeline in a Class 1 location must be within ten (10) miles (16 kilometers) of a valve.

2. Each sectionalizing block valve on a transmission line must comply with the following:

A. The valve and the operating device to open or close the valve must be readily accessible and protected from tampering and damage; and

B. The valve must be supported to prevent settling of the valve or movement of the pipe to which it is attached.

3. Each section of a transmission line between main line valves must have a blowdown valve with enough capacity to allow the transmission line to be blown down as rapidly as practicable. Each blowdown discharge must be located so the gas can be blown to the atmosphere without hazard and, if the transmission line is adjacent to an overhead electric line, so that the gas is directed away from the electrical conductors.

4. For transmission pipeline segments with diameters

greater than or equal to six inches (6") that are constructed after April 10, 2023, the operator must install rupture-mitigation valves (RMV) or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this subsection. An operator seeking to use alternative equivalent technology must notify PHMSA in accordance with the procedures set forth in paragraph (4)(U)6. All RMVs and alternative equivalent technologies installed pursuant to this paragraph must meet the requirements of subsections (12)(X) and (12)(Z). Exempted from this paragraph's installation requirements are pipeline segments in Class 1 or Class 2 locations that have a potential impact radius (PIR), as defined in 49 CFR 192.903 (incorporated by reference in section (16)), of one hundred fifty feet (150') or less. An operator may request an extension of the installation compliance deadline requirements of this paragraph if it can demonstrate to PHMSA, in accordance with the notification procedures in subsection (1)(M), that those installation compliance deadlines would be economically, technically, or operationally infeasible for a particular new pipeline.

5. For entirely replaced transmission pipeline segments, as defined in subsection (1)(B), with diameters greater than or equal to six inches (6") and that are installed after April 10, 2023, the operator must install RMVs or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this subsection. An operator seeking to use alternative equivalent technology must notify PHMSA in accordance with the procedures set forth in paragraph (4)(U)6. All RMVs and alternative equivalent technologies installed pursuant to this paragraph must meet the requirements of subsections (12)(X) and (12)(Z). The requirements of this paragraph apply when the applicable pipeline replacement project involves a valve, either through addition, replacement, or removal. This paragraph's installation requirements do not apply to pipe segments in Class 1 or Class 2 locations that have a PIR, as defined in 49 CFR 192.903 (incorporated by reference in section (16)), that is less than or equal to one hundred fifty feet (150'). An operator may request an extension of the installation compliance deadline requirements of this paragraph if it can demonstrate to PHMSA, in accordance with the notification procedures in subsection (1)(M), that those installation compliance deadlines would be economically, technically, or operationally infeasible for a particular pipeline replacement project.

6. If an operator elects to use alternative equivalent technology in accordance with paragraph (4)(U)4. or (4)(U)5., the operator must notify PHMSA in accordance with the procedures in subsection (1)(M). The operator must include a technical and safety evaluation in its notice to PHMSA. Valves that are installed as alternative equivalent technology must comply with subsections (12)(X) and (12)(Z). An operator requesting use of manual valves as an alternative equivalent technology must also include within the notification submitted to PHMSA a demonstration that installation of an RMV as otherwise required would be economically, technically, or operationally infeasible. An operator may use a manual compressor station valve at a continuously manned station as an alternative equivalent technology, and use of such valve would not require a notification to PHMSA in accordance with subsection (1)(M), but it must comply with subsection (12)(Z).

7. The valve spacing requirements of paragraph (4)

(U)1. do not apply to pipe replacements on a pipeline if the distance between each point on the pipeline and the nearest valve does not exceed –

A. Four (4) miles in Class 4 locations, with a total spacing between valves no greater than eight (8) miles;

B. Seven and one-half (7 1/2) miles in Class 3 locations, with a total spacing between valves no greater than fifteen (15) miles; or

C. Ten (10) miles in Class 1 or 2 locations, with a total spacing between valves no greater than twenty (20) miles.

(7) General Construction Requirements for Transmission Lines and Mains.

(J) Installation of Pipe in a Ditch. (192.319)

1. When installed in a ditch, each transmission line that is to be operated at a pressure producing a hoop stress of twenty percent (20%) or more of SMYS must be installed so that the pipe fits the ditch so as to minimize stresses and protect the pipe coating from damage.

2. When a ditch for a transmission line or main is backfilled, it must be backfilled in a manner that –

A. Provides firm support under the pipe; and

B. Prevents damage to the pipe and pipe coating from equipment or from the backfill material.

3. Promptly after a ditch for a steel transmission line is backfilled (if the construction project involves one thousand feet (1,000') or more of continuous backfill length along the pipeline), but not later than six (6) months after placing the pipeline in service, the operator must perform an assessment to assess any coating damage and ensure integrity of the coating using direct current voltage gradient (DCVG), alternating current voltage gradient (ACVG), or other technology that provides comparable information about the integrity of the coating. Coating surveys must be conducted, except in locations where effective coating surveys are precluded by geographical, technical, or safety reasons.

4. An operator must notify PHMSA in accordance with subsection (1)(M) at least ninety (90) days in advance of using other technology to assess integrity of the coating under paragraph (7)(J)3.

5. An operator of a steel transmission pipeline must develop a remedial action plan and apply for any necessary permits within six (6) months of completing the assessment that identified the deficiency. An operator must repair any coating damage classified as severe (voltage drop greater than sixty percent (60%) for DCVG or 70 dB μ V for ACVG) in accordance with section 4 of NACE SP0502 (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)) within six (6) months of the assessment, or as soon as practicable after obtaining necessary permits, not to exceed six (6) months after the receipt of permits.

6. An operator of a steel transmission pipeline must make and retain for the life of the pipeline records documenting the coating assessment findings and remedial actions performed under paragraphs (7)(J)3.–5.

(9) Requirements for Corrosion Control.

(G) External Corrosion Control – Protective Coating. (192.461)

1. Each external protective coating applied for the purpose of external corrosion control must –

A. Be applied on a properly prepared surface;

B. Have sufficient adhesion to the metal surface to effectively resist underfilm migration of moisture;

C. Be sufficiently ductile to resist cracking;

D. Have sufficient strength to resist damage due to

handling (including but not limited to transportation, installation, boring, and backfilling) and soil stress; and

E. Have properties compatible with any supplemental cathodic protection.

2. Each external protective coating must also have low moisture absorption and high electrical resistance.

3. Each external protective coating must be inspected just prior to lowering the pipe into the ditch and backfilling, and any damage detrimental to effective corrosion control must be repaired.

4. Each external protective coating must be protected from damage resulting from adverse ditch conditions or damage from supporting blocks.

5. If coated pipe is installed by boring, driving, or other similar method, precautions must be taken to minimize damage to the coating during installation.

6. Promptly after the backfill of a steel transmission pipeline ditch following repair or replacement (if the repair or replacement results in one thousand feet (1,000') or more of backfill length along the pipeline), but no later than six (6) months after the backfill, the operator must perform an assessment to assess any coating damage and ensure integrity of the coating using direct current voltage gradient (DCVG), alternating current voltage gradient (ACVG), or other technology that provides comparable information about the integrity of the coating. Coating surveys must be conducted, except in locations where effective coating surveys are precluded by geographical, technical, or safety reasons.

7. An operator must notify PHMSA in accordance with subsection (1)(M) at least ninety (90) days in advance of using other technology to assess integrity of the coating under paragraph (9)(G)6.

8. An operator of a steel transmission pipeline must develop a remedial action plan and apply for any necessary permits within six (6) months of completing the assessment that identified the deficiency. The operator must repair any coating damage classified as severe (voltage drop greater than sixty percent (60%) for DCVG or 70 dB μ V for ACVG) in accordance with section 4 of NACE SP0502 (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)) within six (6) months of the assessment, or as soon as practicable after obtaining necessary permits, not to exceed six (6) months after the receipt of permits.

9. An operator of a steel transmission pipeline must make and retain for the life of the pipeline records documenting the coating assessment findings and remedial actions performed under paragraphs (9)(G)6.–8.

(I) External Corrosion Control—Monitoring and Remediation. (192.465)

1. Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding fifteen (15) months, to determine whether the cathodic protection meets the requirements of subsection (9)(H) of this rule. (192.463) However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of one hundred feet (100') (thirty meters (30 m)), or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least twenty percent (20%) of these protected structures, distributed over the entire system, must be surveyed each calendar year, with a different twenty percent (20%) checked each subsequent year, so that the entire system is tested in each five- (5-) year period. Each short section of metallic pipe less than one hundred feet (100') (thirty meters (30 m)) in length installed and cathodically protected in accordance

with paragraph (9)(R)2. of this rule (192.483(b)), each segment of pipe cathodically protected in accordance with paragraph (9)(R)3. of this rule (192.483(c)) and each electrically isolated metallic fitting not meeting the requirements of paragraph (9)(D)5. of this rule (192.455(f)) must be monitored at a minimum rate of ten percent (10%) each calendar year, with a different ten percent (10%) checked each subsequent year, so that the entire system is tested every ten (10) years.

2. Cathodic protection rectifiers and impressed current power sources must be periodically inspected as follows:

A. Each cathodic protection rectifier or other impressed current power source must be inspected six (6) times each calendar year, but with intervals not exceeding two and one-half (2 1/2) months between inspections, to ensure adequate amperage and voltage levels needed to provide cathodic protection are maintained. This may be done either through remote measurement or through an onsite inspection of the rectifier; and

B. After January 1, 2022, each remotely inspected rectifier must be physically inspected for continued safe and reliable operation at least once each calendar year, but with intervals not exceeding fifteen (15) months.

3. Each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection must be electrically checked for proper performance six (6) times each calendar year, but with intervals not exceeding two and one-half (2 1/2) months. Each other interference bond must be checked at least once each calendar year, but with intervals not exceeding fifteen (15) months.

4. Each operator *[shall take]* must promptly *[remedial action to]* correct any deficiencies indicated by the *[monitoring set forth in]* inspection and testing required by paragraphs (9)(I)1.–3. Corrective measures must be completed within six (6) months unless otherwise approved by designated commission personnel. **For gas transmission pipelines, no extension for corrective measures may exceed the earliest of the following:**

A. Prior to the next inspection or test interval required by this subsection;

B. Within one (1) year, not to exceed fifteen (15) months, of the inspection or test that identified the deficiency; or

C. As soon as practicable, not to exceed six (6) months, after obtaining any necessary permits. Permits necessary to complete corrective actions must be applied for within six (6) months of completing the inspection or testing that identified the deficiency.

5. After the initial evaluation required by paragraphs (9)(D)2. and (9)(E)2., each operator must, not less than every three (3) years at intervals not exceeding thirty-nine (39) months, reevaluate its unprotected pipelines and cathodically protect them in accordance with section (9) in areas in which active corrosion is found. Unprotected steel service lines are subject to replacement pursuant to subsection (15)(C). The operator must determine the areas of active corrosion by electrical survey. However, on distribution lines and where an electrical survey is impractical on transmission lines, areas of active corrosion may be determined by other means that include review and analysis of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, the pipeline environment, and by instrument leak detection surveys (see subsections (13)(D) and (13)(M)). When the operator conducts electrical surveys, the operator must demonstrate that the surveys effectively identify areas of active corrosion.

6. An operator must determine the extent of the area with inadequate cathodic protection for gas transmission pipelines where any annual test station reading (pipe-to-soil potential measurement) indicates cathodic protection levels below the required levels in Appendix D.

A. Gas transmission pipeline operators must investigate and mitigate any non-systemic or location-specific causes.

B. To address systemic causes, an operator must conduct close interval surveys in both directions from the test station with a low cathodic protection reading at a maximum interval of approximately five feet (5') or less. An operator must conduct close interval surveys unless it is impractical based upon geographical, technical, or safety reasons. An operator must complete close interval surveys required by this subsection with the protective current interrupted unless it is impractical to do so for technical or safety reasons. An operator must remediate areas with insufficient cathodic protection levels, or areas where protective current is found to be leaving the pipeline, in accordance with paragraph (9)(I)4. An operator must confirm the restoration of adequate cathodic protection following the implementation of remedial actions undertaken to mitigate systemic causes of external corrosion.

(M) External Corrosion Control—Interference Currents. (192.473)

1. Each operator whose pipeline system is subjected to stray currents shall have in effect a continuing program to minimize the detrimental effects of these currents.

2. Each impressed current type cathodic protection system or galvanic anode system must be designed and installed so as to minimize any adverse effects on existing adjacent underground metallic structures.

3. For gas transmission pipelines, the program required by paragraph (9)(M)1. must include—

A. Interference surveys for a pipeline system to detect the presence and level of any electrical stray current. Interference surveys must be conducted when potential monitoring indicates a significant increase in stray current, or when new potential stray current sources are introduced, such as through co-located pipelines, structures, or high voltage alternating current (HVAC) power lines, including from additional generation, a voltage up-rating, additional lines, new or enlarged power substations, or new pipelines or other structures;

B. Analysis of the results of the survey to determine the cause of the interference and whether the level could cause significant corrosion, impede safe operation, or adversely affect the environment or public;

C. Development of a remedial action plan to correct any instances where interference current is greater than or equal to one hundred (100) amps per meter squared alternating current (AC), or if it impedes the safe operation of a pipeline, or if it may cause a condition that would adversely impact the environment or the public; and

D. Application for any necessary permits within six (6) months of completing the interference survey that identified the deficiency. An operator must complete remedial actions promptly, but no later than the earliest of the following: within fifteen (15) months after completing the interference survey that identified the deficiency; or as soon as practicable, but not to exceed six (6) months, after obtaining any necessary permits.

(S) Remedial Measures—Transmission Lines. (192.485)

1. General corrosion. Each segment of transmission line

with general corrosion and with a remaining wall thickness less than that required for the maximum allowable operating pressure of the pipeline must be replaced or the operating pressure reduced commensurate with the strength of the pipe based on actual remaining wall thickness. However, corroded pipe may be repaired by a method that reliable engineering test and analysis show can permanently restore the serviceability of the pipe. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

2. Localized corrosion pitting. Each segment of transmission line pipe with localized corrosion pitting to a degree where leakage might result must be replaced or repaired, or the operating pressure must be reduced commensurate with the strength of the pipe, based on the actual remaining wall thickness in the pits.

3. Calculating remaining strength. Under paragraphs (9)(S)1. and (9)(S)2., the strength of pipe based on actual remaining wall thickness *[may] must be determined [by the procedure in ASME/ANSI B31G (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) or the procedure in PRCI PR-3-805 (R-STRENG) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). Both procedures apply to corroded regions that do not penetrate the pipe wall, subject to the limitations prescribed in the procedures] and documented in accordance with subsection (13)(EE).*

(Y) Internal Corrosion Control—Transmission Monitoring and Mitigation. (192.478)

1. Each operator of a gas transmission pipeline with corrosive constituents in the gas being transported must develop and implement a monitoring and mitigation program to mitigate the corrosive effects as necessary. Potentially corrosive constituents include, but are not limited to, carbon dioxide, hydrogen sulfide, sulfur, microbes, and liquid water, either by itself or in combination. An operator must evaluate the partial pressure of each corrosive constituent, where applicable, by itself or in combination, to evaluate the effect of the corrosive constituents on the internal corrosion of the pipe and implement mitigation measures as necessary.

2. The monitoring and mitigation program described in subsection (9)(Y) must include—

A. The use of gas-quality monitoring methods at points where gas with potentially corrosive contaminants enters the pipeline to determine the gas stream constituents;

B. Technology to mitigate the potentially corrosive gas stream constituents. Such technologies may include product sampling, inhibitor injections, in-line cleaning pigging, separators, or other technology that mitigates potentially corrosive effects; and

C. An evaluation at least once each calendar year, at intervals not to exceed fifteen (15) months, to ensure that potentially corrosive gas stream constituents are effectively monitored and mitigated.

3. An operator must review its monitoring and mitigation program at least once each calendar year, at intervals not to exceed fifteen (15) months, and based on the results of its monitoring and mitigation program, implement adjustments, as necessary.

(12) Operations.

(H) Continuing Surveillance. (192.613)

1. Each operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate

action concerning changes in class location, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.

2. If a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved or, if the segment cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with paragraphs (12)(M)1. and 2. (192.619[a] and [b])

3. Following an extreme weather event or natural disaster that has the likelihood of damage to pipeline facilities by the scouring or movement of the soil surrounding the pipeline or movement of the pipeline, such as a named tropical storm or hurricane; a flood that exceeds the river, shoreline, or creek high-water banks in the area of the pipeline; a landslide in the area of the pipeline; or an earthquake in the area of the pipeline, an operator must inspect all potentially affected transmission pipeline facilities to detect conditions that could adversely affect the safe operation of that pipeline.

A. An operator must assess the nature of the event and the physical characteristics, operating conditions, location, and prior history of the affected pipeline in determining the appropriate method for performing the initial inspection to determine the extent of any damage and the need for the additional assessments required under this subparagraph.

B. An operator must commence the inspection required by paragraph (12)(H)3. within seventy-two (72) hours after the point in time when the operator reasonably determines that the affected area can be safely accessed by personnel and equipment, and the personnel and equipment required to perform the inspection as determined by subparagraph (12)(H)3.A. are available. If an operator is unable to commence the inspection due to the unavailability of personnel or equipment, the operator must notify the appropriate PHMSA Region Director as soon as practicable.

C. An operator must take prompt and appropriate remedial action to ensure the safe operation of a pipeline based on the information obtained as a result of performing the inspection required by paragraph (12)(H)3. Such actions might include, but are not limited to –

(I) Reducing the operating pressure or shutting down the pipeline;

(II) Modifying, repairing, or replacing any damaged pipeline facilities;

(III) Preventing, mitigating, or eliminating any unsafe conditions in the pipeline right-of-way;

(IV) Performing additional patrols, surveys, tests, or inspections;

(V) Implementing emergency response activities with federal, state, or local personnel; or

(VI) Notifying affected communities of the steps that can be taken to ensure public safety.

(J) Emergency Plans. (192.615)

1. Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

A. Receiving, identifying, and classifying notices of events which require immediate response by the operator;

B. Establishing and maintaining adequate means of communication with the appropriate public safety answering point (i.e., 9–1–1 emergency call center), where

direct access to a 9–1–1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials. Operators may establish liaison with the appropriate local emergency coordinating agencies, such as 9–1–1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity. An operator must determine the responsibilities, resources, jurisdictional area(s), and emergency contact telephone number(s) for both local and out-of-area calls of each federal, state, and local government organization that may respond to a pipeline emergency, and inform such officials about the operator's ability to respond to a pipeline emergency and the means of communication during emergencies;

C. Responding promptly and effectively to a notice of each type of emergency, including the following:

(I) Gas detected inside or near a building;

(II) Fire located near or directly involving a pipeline facility;

(III) Explosion occurring near or directly involving a pipeline facility; and

(IV) Natural disaster;

D. Making available personnel, equipment, tools, and materials, as needed at the scene of an emergency;

E. Taking actions directed toward protecting people first and then property;

F. *[Causing an] Taking necessary actions, including but not limited to emergency shutdown [and], valve shut-off, or pressure reduction, in any section of the operator's pipeline system, [necessary] to minimize hazards of released gas to life, [or] property, or the environment;*

G. Making safe any actual or potential hazard to life or property;

H. Notifying the appropriate public safety answering point (i.e., 9–1–1 emergency call center) where direct access to a 9–1–1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials, of gas pipeline emergencies *[and coordinating with them]* to coordinate and share information to determine the location of the emergency, including both planned responses and actual responses during an emergency. The operator must immediately and directly notify the appropriate public safety answering point or other coordinating agency for the communities and jurisdictions in which the pipeline is located after receiving a notification of potential rupture, as defined in subsection (1)(B), to coordinate and share information to determine the location of any release, regardless of whether the segment is subject to the requirements of subsections (4)(U), (12)(X), or (12)(Z);

I. Safely restoring any service outage;

J. Beginning action under subsection (12)(L) (192.617), if applicable, as soon after the end of the emergency as possible; *[and]*

K. Actions required to be taken by a controller during an emergency in accordance with the operator's emergency plans and requirements set forth in subsections (12)(T) *[.]*, (12)(X), and (12)(Z); and

L. Each operator must develop written rupture identification procedures to evaluate and identify whether a notification of potential rupture, as defined in subsection (1)(B), is an actual rupture event or a non-rupture event. These procedures must, at a minimum, specify the sources of information, operational factors, and other criteria that operator personnel use to evaluate a notification of potential rupture and identify an actual rupture. For

operators installing valves in accordance with paragraph (4)(U)4., paragraph (4)(U)5., or that are subject to the requirements in subsection (12)(X), those procedures must provide for rupture identification as soon as practicable.

2. Each operator shall –

A. Furnish its supervisors who are responsible for emergency action a copy of that portion of the latest edition of the emergency procedures established under paragraph (12)(J)1. as necessary for compliance with those procedures;

B. Train the appropriate operating personnel and conduct an annual review to assure that they are knowledgeable of the emergency procedures and verify that the training is effective; and

C. Review employee activities to determine whether the procedures were effectively followed in each emergency.

3. Each operator *[shall]* **must** establish and maintain liaison with the appropriate **public safety answering point (i.e., 9–1–1 emergency call center)** where direct access to a **9–1–1 emergency call center is available from the location of the pipeline, as well as fire, police, and other public officials to –**

A. Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;

B. Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;

C. Identify the types of gas pipeline emergencies of which the operator notifies the officials; and

D. Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

(L) Investigation of Failures and Incidents. (192.617)

1. **Post-failure and incident procedures.** Each operator *[shall]* **must establish and follow procedures for investigating and analyzing [accidents and] failures and federal incidents as defined in 20 CSR 4240-40.020(2)(D), including sending the [selection of samples of the] failed [facility] pipe, component, or equipment for laboratory testing or examination, where appropriate, for the purpose of determining the causes and contributing factor(s) of the failure or incident and minimizing the possibility of a recurrence.**

2. **Post-failure and incident lessons learned.** Each operator **must develop, implement, and incorporate lessons learned from a post-failure or incident review into its written procedures, including personnel training and qualification programs, and design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.**

3. **Analysis of rupture and valve shutoffs.** If an incident on a gas transmission pipeline or a Type A gathering pipeline involves the closure of a rupture-mitigation valve (RMV), as defined in subsection (1)(B), or the closure of alternative equivalent technology, the operator of the pipeline must also conduct a post-incident analysis of all of the factors that may have impacted the release volume and the consequences of the incident and identify and implement operations and maintenance measures to prevent or minimize the consequences of a future incident. The requirements of this paragraph are not applicable to distribution pipelines or Types B and C gas gathering pipelines. The analysis must include all relevant factors impacting the release volume and consequences, including but not limited to the following:

A. Detection, identification, operational response, system shut-off, and emergency response communications, based on the type and volume of the incident;

B. Appropriateness and effectiveness of procedures

and pipeline systems, including supervisory control and data acquisition (SCADA), communications, valve shut-off, and operator personnel;

C. Actual response time from identifying a rupture following a notification of potential rupture, as defined in subsection (1)(B), to initiation of mitigative actions and isolation of the pipeline segment, and the appropriateness and effectiveness of the mitigative actions taken;

D. Location and timeliness of actuation of RMVs or alternative equivalent technologies; and

E. All other factors the operator deems appropriate.

4. **Rupture post-failure and incident summary.** If a failure or incident on a gas transmission pipeline or a Type A gathering pipeline involves the identification of a rupture following a notification of potential rupture, or the closure of an RMV (as those terms are defined in subsection (1)(B)), or the closure of an alternative equivalent technology, the operator of the pipeline must complete a summary of the post-failure or incident review required by paragraph (12)(L)3. within ninety (90) days of the incident, and while the investigation is pending, conduct quarterly status reviews until the investigation is complete and a final post-incident summary is prepared. The final post-failure or incident summary, and all other reviews and analyses produced under the requirements of this subsection, must be reviewed, dated, and signed by the operator's appropriate senior executive officer. The final post-failure or incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the useful life of the pipeline. The requirements of this paragraph are not applicable to distribution pipelines or Types B and C gas gathering pipelines.

(M) Maximum Allowable Operating Pressure–Steel or Plastic Pipelines. (192.619 and 192.620)

1. Except as provided in paragraphs (12)(M)3., 4., and 6., no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:

A. The design pressure of the weakest element in the segment, determined in accordance with sections (3) and (4). However, for steel pipe in pipelines being converted under subsection (1)(H) or uprated under section (11), if any variable necessary to determine the design pressure under the design formula in subsection (3)(C) is unknown, one (1) of the following pressures is to be used as design pressure:

(I) Eighty percent (80%) of the first test pressure that produces yield under section N5 of Appendix N of ASME B31.8 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), reduced by the appropriate factor in part (12)(M)1.B.(II); or

(II) If the pipe is twelve and three-quarter inches (12 3/4") (three hundred twenty-four (324) mm) or less in outside diameter and is not tested to yield under this paragraph, two hundred (200) psi (one thousand three hundred seventy-nine (1379) kPa) gauge;

B. The pressure obtained by dividing the highest pressure to which the segment was tested after construction or uprated as follows:

(I) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5; and

(II) For steel pipe operated at one hundred (100) psi (six hundred eighty-nine (689) kPa) gauge or more, the test pressure is divided by a factor determined in accordance with the following table:

Class Location	Factors ^{1,2} , Segment –			
	Installed before Nov. 12, 1970	Installed after Nov. 11, 1970, and before July 1, 2020	Installed on or after July 1, 2020	Converted under subsection (1)(H) (192.14)
1	1.1	1.1	1.25	1.25
2	1.25	1.25	1.25	1.25
3	1.4	1.5	1.5	1.5
4	1.4	1.5	1.5	1.5

¹For segments installed, uprated, or converted after July 31, 1977, that are located on a platform in inland navigable waters, including a pipe riser, the factor is 1.5.

²For a component with a design pressure established in accordance with paragraphs (4)(H)1. or (4)(H)2. of this rule (192.153(a) or (b)) installed after July 14, 2004, the factor is 1.3;

C. The highest actual operating pressure to which the segment was subjected during the five (5) years preceding the applicable date in the second column. This pressure restriction applies unless the segment was tested in accordance with subparagraph (12)(M)1.B. after the applicable date in the third column or the segment was uprated in accordance with section (11); and

Pipeline Segment	Pressure Date	Test Date
Onshore regulated gathering pipeline (Type A or Type B under [49 CFR 192(b)] paragraph (1)(E)2.) that first became subject to this rule after April 13, 2006 [(see subsection (1)(E))].	March 15, 2006, or date line becomes subject to this rule, whichever is later.	Five (5) years preceding applicable date in second column.
Onshore regulated gathering pipeline (Type C under [49 CFR 192.9(d)] paragraph (1)(E)2.) that first became subject to this rule on or after May 16, 2022.	May 16, 2023, or date pipeline becomes subject to this rule, whichever is later.	Five (5) years preceding applicable date in second column.
Onshore transmission pipeline that was a gathering line not subject to this rule before March 15, 2006 (see subsection (1)(E)).	March 15, 2006, or date line becomes subject to this rule, whichever is later.	Five (5) years preceding applicable date in second column.
All other pipelines.	July 1, 1970.	July 1, 1965.

D. The pressure determined by the operator to be the maximum safe pressure after considering and accounting for records of material properties, including material properties verified in accordance with subsection (12)(E), if applicable, and the history of the pipeline segment, including known corrosion and the actual operating pressure.

2. No person may operate a segment of pipeline to which this subsection applies unless overpressure protective devices are installed for the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with subsection (4)(CC) of this rule. (192.195)

3. The requirements on pressure restrictions in this subsection do not apply in the following instances:

A. An operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the five (5) years preceding the applicable date in the second column of the table in subparagraph (12)(M)1.C. An operator must still

comply with subsection (12)(G); and

B. For any Type C gas gathering pipeline under subsection (1)(E) of this rule (192.9) existing on or before May 16, 2022, that was not previously subject to this rule and the operator cannot determine the actual operating pressure of the pipeline for the five (5) years preceding May 16, 2023, the operator may establish MAOP using other criteria based on a combination of operating conditions, other tests, and design with approval from PHMSA. The operator must notify PHMSA in accordance with subsection (1)(M) of this rule [(192.18)]. The notification must include the following information:

(I) The proposed MAOP of the pipeline;
(II) Description of pipeline segment for which alternate methods are used to establish MAOP, including diameter, wall thickness, pipe grade, seam type, location, endpoints, other pertinent material properties, and age;

(III) Pipeline operating data, including operating history and maintenance history;

(IV) Description of methods being used to establish MAOP;

(V) Technical justification for use of the methods chosen to establish MAOP; and

(VI) Evidence of review and acceptance of the justification by a qualified technical subject matter expert.

4. No person may operate a pipeline at a pressure that results in a hoop stress greater than seventy-two percent (72%) of SMYS.

5. Notwithstanding the requirements in paragraphs (12)(M)1. through 4., operators of steel transmission pipelines that meet the criteria specified in paragraph (12)(U)1. must establish and document the maximum allowable operating pressure in accordance with subsection (12)(U).

6. Operators of steel transmission pipelines must make and retain records necessary to establish and document the MAOP of each pipeline segment in accordance with paragraphs (12)(M)1. through 5. as follows:

A. Operators of pipelines in operation as of July 1, 2020, must retain any existing records establishing MAOP for the life of the pipeline;

B. Operators of pipelines in operation as of July 1, 2020, that do not have records establishing MAOP and are required to reconfirm MAOP in accordance with subsection (12)(U), must retain the records reconfirming MAOP for the life of the pipeline; and

C. Operators of pipelines placed in operation after July 1, 2020, must make and retain records establishing MAOP for the life of the pipeline.

7. Alternative maximum allowable operating pressure for certain steel pipelines. (192.620) The federal regulations at 49 CFR 192.620 are not adopted in this rule.

(W) Change in Class Location – Change in Valve Spacing. (192.610)

1. If a class location change on a transmission pipeline occurs after October 5, 2022, and results in pipe replacement, of two (2) or more miles in the aggregate, within any five (5) contiguous miles within a twenty-four- (24-) month period, to meet the maximum allowable operating pressure (MAOP) requirements in subsections (12)(G) or (12)(M), then the requirements in subsections (4)(U), (12)(X), and (12)(Z), as applicable, apply to the new class location, and the operator must install valves, including rupture-mitigation valves (RMV) or alternative equivalent technologies, as necessary, to comply with those subsections. Such valves must be installed within twenty-four (24) months of the class location change in accordance with the timing requirement in paragraph (12)

(G)6. for compliance after a class location change.

2. If a class location change occurs after October 5, 2022, and results in pipe replacement of less than two (2) miles within five (5) contiguous miles during a twenty-four- (24-) month period, to meet the MAOP requirements in subsections (12)(G) or (12)(M), then within twenty-four (24) months of the class location change, in accordance with paragraph (12)(G)6., the operator must either –

A. Comply with the valve spacing requirements of paragraph (4)(U)1. for the replaced pipeline segment; or

B. Install or use existing RMVs or alternative equivalent technologies so that the entirety of the replaced pipeline segments are between at least two (2) RMVs or alternative equivalent technologies. The distance between RMVs and alternative equivalent technologies for the replaced segment must not exceed twenty (20) miles. The RMVs and alternative equivalent technologies must comply with the applicable requirements of subsection (12)(Z).

3. The provisions of paragraph (12)(W)2. do not apply to pipeline replacements that amount to less than one thousand feet (1,000') within any one (1) contiguous mile during any twenty-four (24-) month period.

(X) Transmission Lines – Valve Shut-Off for Rupture Mitigation. (192.634)

1. **Applicability.** For new or entirely replaced transmission pipeline segments with diameters of six inches (6") or greater that are located in high-consequence areas (HCA) or Class 3 or Class 4 locations and that are installed after April 10, 2023, an operator must install or use existing rupture-mitigation valves (RMV), or an alternative equivalent technology, according to the requirements of this subsection and subsections (4)(U) and (12)(Z). RMVs and alternative equivalent technologies must be operational within fourteen (14) days of placing the new or replaced pipeline segment into service. An operator may request an extension of this fourteen- (14-) day operation requirement if it can demonstrate to PHMSA, in accordance with the notification procedures in subsection (1)(M), that application of that requirement would be economically, technically, or operationally infeasible. The requirements of this subsection apply to all applicable pipe replacement projects, even those that do not otherwise involve the addition or replacement of a valve. This subsection does not apply to pipe segments in Class 1 or Class 2 locations that have a potential impact radius (PIR), as defined in 49 CFR 192.903 (incorporated by reference in section (16)), that is less than or equal to one hundred fifty feet (150').

2. **Maximum spacing between valves.** RMVs, or alternative equivalent technology, must be installed in accordance with the following requirements:

A. **Shut-off segment.** For purposes of this subsection, a "shut-off segment" means the segment of pipe located between the upstream valve closest to the upstream endpoint of the new or replaced Class 3 or Class 4 or HCA pipeline segment and the downstream valve closest to the downstream endpoint of the new or replaced Class 3 or Class 4 or HCA pipeline segment so that the entirety of the segment that is within the HCA or the Class 3 or Class 4 location is between at least two RMVs or alternative equivalent technologies. If any crossover or lateral pipe for gas receipts or deliveries connects to the shut-off segment between the upstream and downstream valves, the shut-off segment also must extend to a valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for gas to be transported to

the rupture site (except for residual gas already in the shut-off segment). Multiple Class 3 or Class 4 locations or HCA segments may be contained within a single shut-off segment. The operator is not required to select the closest valve to the shut-off segment as the RMV, as that term is defined in subsection (1)(B), or the alternative equivalent technology. An operator may use a manual compressor station valve at a continuously manned station as an alternative equivalent technology, but it must be able to be closed within thirty (30) minutes following rupture identification, as that term is defined in subsection (1)(B). Such a valve used as an alternative equivalent technology would not require a notification to PHMSA in accordance with subsection (1)(M);

B. Shut-off segment valve spacing. A pipeline subject to paragraph (12)(X)1. must have RMVs or alternative equivalent technology on the upstream and downstream side of the pipeline segment. The distance between RMVs or alternative equivalent technologies must not exceed –

- (I) Eight (8) miles for any Class 4 location;
- (II) Fifteen (15) miles for any Class 3 location; or
- (III) Twenty (20) miles for all other locations;

C. Laterals. Laterals extending from shut-off segments that contribute less than five percent (5%) of the total shut-off segment volume may have RMVs or alternative equivalent technologies that meet the actuation requirements of this section at locations other than mainline receipt/delivery points, as long as all of the laterals contributing gas volumes to the shut-off segment do not contribute more than five percent (5%) of the total shut-off segment gas volume based upon maximum flow volume at the operating pressure. For laterals that are twelve inches (12") in diameter or less, a check valve that allows gas to flow freely in one direction and contains a mechanism to automatically prevent flow in the other direction may be used as an alternative equivalent technology where it is positioned to stop flow into the shut-off segment. Such check valves that are used as an alternative equivalent technology in accordance with this paragraph are not subject to subsection (12)(Z), but they must be inspected, operated, and remediated in accordance with subsection (13)(U), including for closure and leakage to ensure operational reliability. An operator using such a check valve as an alternative equivalent technology must notify PHMSA in accordance with subsections (1)(M) and (4)(U), and develop and implement maintenance procedures for such equipment that meet subsection (13)(U); and

D. Crossovers. An operator may use a manual valve as an alternative equivalent technology in lieu of an RMV for a crossover connection if, during normal operations, the valve is closed to prevent the flow of gas by the use of a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator. The operator must develop and implement operating procedures and document that the valve has been closed and locked in accordance with the operator's lock-out and tag-out procedures to prevent the flow of gas. An operator using such a manual valve as an alternative equivalent technology must notify PHMSA in accordance with subsections (1)(M) and (4)(U).

3. Manual operation upon identification of a rupture. Operators using a manual valve as an alternative equivalent technology as authorized pursuant to subsections (1)(M) and (4)(U) must develop and implement operating procedures that appropriately designate and locate nearby personnel to ensure valve shut-off in accordance with this

subsection and subsection (12)(Z). Manual operation of valves must include time for the assembly of necessary operating personnel, the acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to shut off all valves manually, not to exceed the maximum response time allowed under paragraph (12)(Z)2.

(Y) Notification of Potential Rupture. (192.635)

1. As used in this rule, a "notification of potential rupture" refers to the notification of, or observation by, an operator (e.g., by or to its controller(s) in a control room, field personnel, nearby pipeline or utility personnel, the public, local responders, or public authorities) of one (1) or more of the below indicia of a potential unintentional or uncontrolled release of a large volume of gas from a pipeline:

A. An unanticipated or unexplained pressure loss outside of the pipeline's normal operating pressures, as defined in the operator's written procedures. The operator must establish in its written procedures that an unanticipated or unplanned pressure loss is outside of the pipeline's normal operating pressures when there is a pressure loss greater than ten percent (10%) occurring within a time interval of fifteen (15) minutes or less, unless the operator has documented in its written procedures the operational need for a greater pressure-change threshold due to pipeline flow dynamics (including changes in operating pressure, flow rate, or volume), that are caused by fluctuations in gas demand, gas receipts, or gas deliveries; or

B. An unanticipated or unexplained flow rate change, pressure change, equipment function, or other pipeline instrumentation indication at the upstream or downstream station that may be representative of an event meeting subparagraph (12)(Y)1.A.; or

C. Any unanticipated or unexplained rapid release of a large volume of gas, a fire, or an explosion in the immediate vicinity of the pipeline.

2. A notification of potential rupture occurs when an operator first receives notice of or observes an event specified in paragraph (12)(Y)1.

(Z) Transmission Lines—Response to a Rupture; Capabilities of Rupture-Mitigation Valves (RMVs) or Alternative Equivalent Technologies. (192.636)

1. Scope. The requirements in this subsection apply to rupture-mitigation valves (RMVs), as defined in subsection (1)(B), or alternative equivalent technologies, installed pursuant to paragraphs (4)(U)4.–6. and subsection (12)(X).

2. Rupture identification and valve shut-off time. An operator must, as soon as practicable but within thirty (30) minutes of rupture identification (see subparagraph (12)(I)1.L.), fully close any RMVs or alternative equivalent technologies necessary to minimize the volume of gas released from a pipeline and mitigate the consequences of a rupture.

3. Open valves. An operator may leave an RMV or alternative equivalent technology open for more than thirty (30) minutes, as required by paragraph (12)(Z)2., if the operator has previously established in its operating procedures and demonstrated within a notice submitted under subsection (1)(M) for PHMSA review, that closing the RMV or alternative equivalent technology would be detrimental to public safety. The request must have been coordinated with appropriate local emergency responders, and the operator and emergency responders must

determine that it is safe to leave the valve open. Operators must have written procedures for determining whether to leave an RMV or alternative equivalent technology open, including plans to communicate with local emergency responders and minimize environmental impacts, which must be submitted as part of its notification to PHMSA.

4. Valve monitoring and operation capabilities. An RMV, as defined in subsection (1)(B), or alternative equivalent technology, must be capable of being monitored or controlled either remotely or by on-site personnel as follows:

A. Operated during normal, abnormal, and emergency operating conditions;

B. Monitored for valve status (i.e., open, closed, or partial closed/open), upstream pressure, and downstream pressure. For automatic shut-off valves (ASV), an operator does not need to monitor remotely a valve's status if the operator has the capability to monitor pressures or gas flow rate within each pipeline segment located between RMVs or alternative equivalent technologies to identify and locate a rupture. Pipeline segments that use manual valves or other alternative equivalent technologies must have the capability to monitor pressures or gas flow rates on the pipeline to identify and locate a rupture; and

C. Have a back-up power source to maintain SCADA systems or other remote communications for remote-control valve (RCV) or automatic shutoff valve (ASV) operational status, or be monitored and controlled by on-site personnel.

5. Monitoring of valve shut-off response status. The position and operational status of an RMV must be appropriately monitored through electronic communication with remote instrumentation or other equivalent means. An operator does not need to monitor remotely an ASV's status if the operator has the capability to monitor pressures or gas flow rate on the pipeline to identify and locate a rupture.

6. Flow modeling for automatic shutoff valves. Prior to using an ASV as an RMV, an operator must conduct flow modeling for the shut-off segment and any laterals that feed the shut-off segment, so that the valve will close within thirty (30) minutes or less following rupture identification, consistent with the operator's procedures, and in accordance with subsection (1)(B) and subsection (12)(Z). The flow modeling must include the anticipated maximum, normal, or any other flow volumes, pressures, or other operating conditions that may be encountered during the year, not exceeding a period of fifteen (15) months, and it must be modeled for the flow between the RMVs or alternative equivalent technologies, and any looped pipelines or gas receipt tie-ins. If operating conditions change that could affect the ASV set pressures and the thirty- (30-) minute valve closure time after notification of potential rupture, as defined in subsection (1)(B), an operator must conduct a new flow model and reset the ASV set pressures prior to the next review for ASV set pressures in accordance with subsection (13)(U). The flow model must include a time/pressure chart for the segment containing the ASV if a rupture occurs. An operator must conduct this flow modeling prior to making flow condition changes in a manner that could render the thirty- (30-) minute valve closure time unachievable.

7. Manual valves in non-HCA, Class 1 locations. For pipeline segments in a Class 1 location that do not meet the definition of a high consequence area (HCA), an operator submitting a notification pursuant to subsections

(1)(M) and (4)(U) for use of manual valves as an alternative equivalent technology may also request an exemption from the requirements of paragraph (12)(Z)2.

(13) Maintenance.

(G) Transmission Lines—General Requirements for Repair Procedures. (192.711)

1. Temporary repairs. Each operator must take immediate temporary measures to protect the public whenever –

A. A leak, imperfection, or damage that impairs its serviceability is found in a segment of steel transmission line operating at or above forty percent (40%) of the SMYS; and

B. It is not feasible to make a permanent repair at the time of discovery.

2. Permanent repairs. An operator must make permanent repairs on its pipeline system according to the following:

A. Non-integrity management repairs: *The* for gathering lines. For gathering lines subject to this subsection in accordance with subsection (1)(E), an operator must make permanent repairs as soon as feasible; *and*

B. Non-integrity management repairs for transmission lines. Except for gathering lines exempted from this subsection in accordance with subsection (1)(E), after May 24, 2023, whenever an operator discovers any condition that could adversely affect the safe operation of a pipeline segment not covered by an integrity management program under section (16)–Pipeline Integrity Management for Transmission Lines (Subpart O), it must correct the condition as prescribed in subsection (13)(GG); and

*[B.]*C. Integrity management repairs. When an operator discovers a condition on a pipeline covered under section (16)–Pipeline Integrity Management for Transmission Lines (Subpart O), the operator must remediate the condition as prescribed by 49 CFR 192.933(d) (this federal regulation is incorporated by reference and adopted in section (16)).

3. Welded patch. Except as provided in subparagraph (13)(j)2.C. (192.717[b](3)), no operator may use a welded patch as a means of repair.

(U) Valve Maintenance—Transmission Lines. (192.745)

1. Each transmission line valve that might be required during any emergency must be inspected and partially operated at intervals not exceeding fifteen (15) months but at least once each calendar year.

2. Each operator must take prompt remedial action to correct any valve found inoperable, unless the operator designates an alternative valve.

3. For each remote-control valve (RCV) installed in accordance with subsection (4)(U) or subsection (12)(X), an operator must conduct a point-to-point verification between SCADA system displays and the installed valves, sensors, and communications equipment, in accordance with paragraphs (12)(T)3. and 5.

4. For each alternative equivalent technology installed on a pipeline under paragraphs (4)(U)4. or (4)(U)5. or subsection (12)(X) that is manually or locally operated (i.e., not a rupture-mitigation valve (RMV), as that term is defined in subsection (1)(B)) –

A. Operators must achieve a valve closure time of thirty (30) minutes or less, pursuant to paragraph (12)(Z)2., through an initial drill and through periodic validation as required in subparagraph (13)(U)4.B. An operator must review and document the results of each phase of the drill response to validate the total response time, including confirming the rupture, and valve shutoff time as being less than or equal to thirty (30) minutes after rupture

identification;

B. Within each pipeline system and within each operating or maintenance field work unit, operators must randomly select a valve serving as an alternative equivalent technology in lieu of an RMV for an annual thirty- (30-) minute-total response time validation drill that simulates worst-case conditions for that location to ensure compliance with subsection (12)(Z). Operators are not required to close the valve fully during the drill; a minimum twenty-five percent (25%) valve closure is sufficient to demonstrate compliance with drill requirements unless the operator has operational information that requires an additional closure percentage for maintaining reliability. The response drill must occur at least once each calendar year, with intervals not to exceed fifteen (15) months. Operators must include in their written procedures the method they use to randomly select which alternative equivalent technology is tested in accordance with this paragraph;

C. If the thirty- (30-) minute-maximum response time cannot be achieved during the drill, the operator must revise response efforts to achieve compliance with subsection (12)(Z) as soon as practicable but no later than twelve (12) months after the drill. Alternative valve shut-off measures must be in place in accordance with paragraph (13)(U)5. within seven (7) days of a failed drill;

D. Based on the results of response-time drills, the operator must include lessons learned in –

(I) Training and qualifications programs;

(II) Design, construction, testing, maintenance, operating, and emergency procedures manuals; and

(III) Any other areas identified by the operator as needing improvement; and

E. The requirements of paragraph (13)(U)4. do not apply to manual valves that, pursuant to paragraph (12)(Z)7., have been exempted from the requirements of paragraph (12)(Z)2.

5. Each operator must develop and implement remedial measures to correct any valve installed on a pipeline under paragraphs (4)(U)4. or (4)(U)5. or subsection (12)(X) that is indicated to be inoperable or unable to maintain effective shut-off as follows:

A. Repair or replace the valve as soon as practicable but no later than twelve (12) months after finding that the valve is inoperable or unable to maintain effective shut-off. An operator must request an extension from PHMSA in accordance with subsection (1)(M) if repair or replacement of a valve within twelve (12) months would be economically, technically, or operationally infeasible; and

B. Designate an alternative valve acting as an RMV within seven (7) calendar days of the finding while repairs are being made and document an interim response plan to maintain safety. Such valves are not required to comply with the valve spacing requirements of this rule.

6. An operator using an ASV as an RMV, in accordance with subsections (1)(B), (4)(U), (12)(X), and (12)(Z), must document and confirm the ASV shut-in pressures, in accordance with paragraph (12)(Z)6., on a calendar year basis not to exceed fifteen (15) months. ASV shut-in set pressures must be proven and reset individually at each ASV, as required, on a calendar year basis not to exceed fifteen (15) months.

(DD) Transmission Lines: Assessments Outside of High Consequence Areas. (192.710)

1. Applicability. This subsection applies to steel transmission pipelines segments with a maximum allowable

operating pressure of greater than or equal to thirty percent (30%) of the specified minimum yield strength and are located in –

A. A Class 3 or Class 4 location; or

B. A “moderate consequence area” as defined in subsection (1)(B), if the pipeline segment can accommodate inspection by means of an instrumented inline inspection tool (i.e., “smart pig”); and

C. This subsection does not apply to a pipeline segment located in a “high consequence area” as defined in 49 CFR 192.903 (incorporated in section (16)).

2. General.

A. Initial assessment. An operator must perform initial assessments in accordance with this section based on a risk-based prioritization schedule and complete initial assessment for all applicable pipeline segments no later than July 3, 2034, or as soon as practicable but not to exceed ten (10) years after the pipeline segment first meets the conditions of paragraph (13)(DD)1. (e.g., due to a change in class location or the area becomes a moderate consequence area), whichever is later.

B. Periodic reassessment. An operator must perform periodic reassessments at least once every ten (10) years, with intervals not to exceed one-/hundred twenty-six (126) months, or a shorter reassessment interval based upon the type of anomaly, operational, material, and environmental conditions found on the pipeline segment, or as necessary to ensure public safety.

C. Prior assessment. An operator may use a prior assessment conducted before July 1, 2020, as an initial assessment for the pipeline segment, if the assessment met the section (16) requirements for in-line inspection at the time of the assessment. If an operator uses this prior assessment as its initial assessment, the operator must reassess the pipeline segment according to the reassessment interval specified in subparagraph (13)(DD)2.B. calculated from the date of the prior assessment.

D. MAOP verification. An integrity assessment conducted in accordance with the requirements of paragraph (12)(U)3. for establishing MAOP may be used as an initial assessment or reassessment under this subsection.

3. Assessment method. The initial assessments and the reassessments required by paragraph (13)(DD)2. must be capable of identifying anomalies and defects associated with each of the threats to which the pipeline segment is susceptible and must be performed using one (1) or more of the following methods:

A. Internal inspection. Internal inspection tool or tools capable of detecting those threats to which the pipeline is susceptible, such as corrosion, deformation and mechanical damage (e.g., dents, gouges, and grooves), material cracking and crack-like defects (e.g., stress corrosion cracking, selective seam weld corrosion, environmentally assisted cracking, and girth weld cracks), hard spots with cracking, and any other threats to which the covered segment is susceptible. When performing an assessment using an in-line inspection tool, an operator must comply with subsection (9)(X);

B. Pressure test. Pressure test conducted in accordance with section (10). The use of section (10) pressure testing is appropriate for threats such as internal corrosion, external corrosion, and other environmentally assisted corrosion mechanisms; manufacturing and related defect threats, including defective pipe and pipe seams; and stress corrosion cracking, selective seam weld corrosion, dents, and other forms of mechanical damage;

C. Spike hydrostatic pressure test. A spike hydrostatic pressure test conducted in accordance with subsection (10)

(K). A spike hydrostatic pressure test is appropriate for time-dependent threats such as stress corrosion cracking; selective seam weld corrosion; manufacturing and related defects, including defective pipe and pipe seams; and other forms of defect or damage involving cracks or crack-like defects;

D. Direct examination. Excavation and in situ direct examination by means of visual examination, direct measurement, and recorded non-destructive examination results and data needed to assess all applicable threats. Based upon the threat assessed, examples of appropriate non-destructive examination methods include ultrasonic testing (UT), phased array ultrasonic testing (PAUT), Inverse Wave Field Extrapolation (IWEX), radiography, and magnetic particle inspection (MPI);

E. Guided Wave Ultrasonic Testing. Guided Wave Ultrasonic Testing (GWUT) as described in Appendix F to 49 CFR part 192 (incorporated in section (16));

F. Direct assessment. Direct assessment to address threats of external corrosion, internal corrosion, and stress corrosion cracking. The use of direct assessment to address threats of external corrosion, internal corrosion, and stress corrosion cracking is allowed only if appropriate for the threat and pipeline segment being assessed. Use of direct assessment for threats other than the threat for which the direct assessment method is suitable is not allowed. An operator must conduct the direct assessment in accordance with the requirements listed in 49 CFR 192.923 and with the applicable requirements specified in 49 CFR 192.925, 192.927, and 192.929 (incorporated in section (16)); or

G. "Other technology." "Other technology" that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe for each of the threats to which the pipeline is susceptible. An operator must notify PHMSA in advance of using the "other technology" in accordance with subsection (1)(M) [(192.18)].

4. Data analysis. An operator must analyze and account for the data obtained from an assessment performed under paragraph (13)(DD)3. to determine if a condition could adversely affect the safe operation of the pipeline using personnel qualified by knowledge, training, and experience. In addition, when analyzing inline inspection data, an operator must account for uncertainties in reported results (e.g., tool tolerance, detection threshold, probability of detection, probability of identification, sizing accuracy, conservative anomaly interaction criteria, location accuracy, anomaly findings, and unity chart plots or equivalent for determining uncertainties and verifying actual tool performance) in identifying and characterizing anomalies.

5. Discovery of condition. Discovery of a condition occurs when an operator has adequate information about a condition to determine that the condition presents a potential threat to the integrity of the pipeline. An operator must promptly, but no later than one hundred eighty (180) days after conducting an integrity assessment, obtain sufficient information about a condition to make that determination, unless the operator demonstrates that one hundred eighty (180) days is impracticable.

6. Remediation. An operator must comply with the requirements in subsections (9)(S), (13)(G), [and] (13)(H), (13)(EE), and (13)(GG), where applicable, if a condition that could adversely affect the safe operation of a pipeline is discovered.

7. Analysis of information. An operator must analyze and account for all available relevant information about a pipeline in complying with the requirements in paragraphs (13)(DD)1. through 6.

(EE) Analysis of Predicted Failure Pressure and Critical

Strain Level. (192.712)

1. Applicability. Whenever required by this rule, operators of steel transmission pipelines must analyze anomalies or defects to determine the predicted failure pressure at the location of the anomaly or defect, and the remaining life of the pipeline segment at the location of the anomaly or defect, in accordance with this subsection.

2. Corrosion metal loss. When analyzing corrosion metal loss under this subsection, an operator must use a suitable remaining strength calculation method including, ASME/ANSI B31G (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)); R-STRENG (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)); or an alternative equivalent method of remaining strength calculation that will provide an equally conservative result.

A. If an operator would choose to use a remaining strength calculation method that could provide a less conservative result than the methods listed in paragraph (13)(EE)2. introductory text, the operator must notify PHMSA in advance in accordance with subsection (1)(M).

B. The notification provided for by subparagraph (13)(EE)2.A. must include a comparison of its predicted failure pressures to R-STRENG or ASME/ANSI B31G, all burst pressure tests used, and any other technical reviews used to qualify the calculation method(s) for varying corrosion profiles.

3. [(Reserved)] Dents and other mechanical damage. To evaluate dents and other mechanical damage that could result in a stress riser or other integrity impact, an operator must develop a procedure and perform an engineering critical assessment as follows:

A. Identify and evaluate potential threats to the pipe segment in the vicinity of the anomaly or defect, including ground movement, external loading, fatigue, cracking, and corrosion;

B. Review high-resolution magnetic flux leakage (HR-MFL) high-resolution deformation, inertial mapping, and crack detection inline inspection data for damage in the dent area and any associated weld region, including available data from previous inline inspections;

C. Perform pipeline curvature-based strain analysis using recent HR-Deformation inspection data;

D. Compare the dent profile between the most recent and previous in-line inspections to identify significant changes in dent depth and shape;

E. Identify and quantify all previous and present significant loads acting on the dent;

F. Evaluate the strain level associated with the anomaly or defect and any nearby welds using Finite Element Analysis, or other technology in accordance with this section. Using Finite Element Analysis to quantify the dent strain, and then estimating and evaluating the damage using the Strain Limit Damage (SLD) and Ductile Failure Damage Indicator (DFDI) at the dent, are appropriate evaluation methods;

G. The analyses performed in accordance with this section must account for material property uncertainties, model inaccuracies, and inline inspection tool sizing tolerances;

H. Dents with a depth greater than ten percent (10%) of the pipe outside diameter or with geometric strain levels that exceed the lesser of ten percent (10%) or exceed the critical strain for the pipe material properties must be remediated in accordance with subsection (13)(H), subsection (13)(GG), or 49 CFR 192.933 (this federal regulation is incorporated by reference and adopted in

section (16)), as applicable;

I. Using operational pressure data, a valid fatigue life prediction model that is appropriate for the pipeline segment, and assuming a reassessment safety factor of five (5) or greater for the assessment interval, estimate the fatigue life of the dent by Finite Element Analysis or other analytical technique that is technically appropriate for dent assessment and reassessment intervals in accordance with this subsection. Multiple dent or other fatigue models must be used for the evaluation as a part of the engineering critical assessment;

J. If the dent or mechanical damage is suspected to have cracks, then a crack growth rate assessment is required to ensure adequate life for the dent with crack(s) until remediation or the dent with crack(s) must be evaluated and remediated in accordance with the criteria and timing requirements in subsection (13)(H), subsection (13)(GG), or 49 CFR 192.933 (this federal regulation is incorporated by reference and adopted in section (16)), as applicable; and

K. An operator using an engineering critical assessment procedure, other technologies, or techniques to comply with paragraph (13)(EE)3. must submit advance notification to PHMSA, with the relevant procedures, in accordance with subsection (1)(M).

4. Cracks and crack-like defects.

A. Crack analysis models. When analyzing cracks and crack-like defects under this subsection, an operator must determine predicted failure pressure, failure stress pressure, and crack growth using a technically proven fracture mechanics model appropriate to the failure mode (ductile, brittle, or both), material properties (pipe and weld properties), and boundary condition used (pressure test, III, or other).

B. Analysis for crack growth and remaining life. If the pipeline segment is susceptible to cyclic fatigue or other loading conditions that could lead to fatigue crack growth, fatigue analysis must be performed using an applicable fatigue crack growth law (for example, Paris Law) or other technically appropriate engineering methodology. For other degradation processes that can cause crack growth, appropriate engineering analysis must be used. The above methodologies must be validated by a subject matter expert to determine conservative predictions of flaw growth and remaining life at the maximum allowable operating pressure. The operator must calculate the remaining life of the pipeline by determining the amount of time required for the crack to grow to a size that would fail at maximum allowable operating pressure.

(I) When calculating crack size that would fail at MAOP, and the material toughness is not documented in traceable, verifiable, and complete records, the same Charpy v-notch toughness value established in subparagraph (13)(EE)5.B. must be used.

(II) Initial and final flaw size must be determined using a fracture mechanics model appropriate to the failure mode (ductile, brittle, or both) and boundary condition used (pressure test, III, or other).

(III) An operator must re-evaluate the remaining life of the pipeline before fifty percent (50%) of the remaining life calculated by this analysis has expired. The operator must determine and document if further pressure tests or use of other assessment methods are required at that time. The operator must continue to re-evaluate the remaining life of the pipeline before fifty percent (50%) of the remaining life calculated in the most recent evaluation has expired.

C. Cracks that survive pressure testing. For cases in

which the operator does not have in-line inspection crack anomaly data and is analyzing potential crack defects that could have survived a pressure test, the operator must calculate the largest potential crack defect sizes using the methods in subparagraph (13)(EE)4.A. If pipe material toughness is not documented in traceable, verifiable, and complete records, the operator must use one (1) of the following for Charpy v-notch toughness values based upon minimum operational temperature and equivalent to a full-size specimen value:

(I) Charpy v-notch toughness values from comparable pipe with known properties of the same vintage and from the same steel and pipe manufacturer;

(II) A conservative Charpy v-notch toughness value to determine the toughness based upon the material properties verification process specified in subsection (12)(E);

(III) A full size equivalent Charpy v-notch upper-shelf toughness level of one hundred twenty (120) foot-pounds; or

(IV) Other appropriate values that an operator demonstrates can provide conservative Charpy v-notch toughness values of the crack-related conditions of the pipeline segment. Operators using an assumed Charpy v-notch toughness value must notify PHMSA in accordance with subsection (1)(M) [(192.18)].

5. Data. In performing the analyses of predicted or assumed anomalies or defects in accordance with this subsection, an operator must use data as follows.

A. An operator must explicitly analyze and account for uncertainties in reported assessment results (including tool tolerance, detection threshold, probability of detection, probability of identification, sizing accuracy, conservative anomaly interaction criteria, location accuracy, anomaly findings, and unity chart plots or equivalent for determining uncertainties and verifying tool performance) in identifying and characterizing the type and dimensions of anomalies or defects used in the analyses, unless the defect dimensions have been verified using in situ direct measurements.

B. The analyses performed in accordance with this subsection must utilize pipe and material properties that are documented in traceable, verifiable, and complete records. If documented data required for any analysis is not available, an operator must obtain the undocumented data through subsection (12)(E). Until documented material properties are available, the operator shall use conservative assumptions as follows:

(I) Material toughness. An operator must use one of the following for material toughness:

(a) Charpy v-notch toughness values from comparable pipe with known properties of the same vintage and from the same steel and pipe manufacturer;

(b) A conservative Charpy v-notch toughness value to determine the toughness based upon the ongoing material properties verification process specified in subsection (12)(E);

(c) If the pipeline segment does not have a history of reportable incidents caused by cracking or crack-like defects, maximum Charpy v-notch toughness values of 13.0 foot-pounds for body cracks and 4.0 foot-pounds for cold weld, lack of fusion, and selective seam weld corrosion defects;

(d) If the pipeline segment has a history of reportable incidents caused by cracking or crack-like defects, maximum Charpy v-notch toughness values of 5.0 foot-pounds for body cracks and 1.0 foot-pound for cold weld, lack of fusion, and selective seam weld corrosion; or

(e) Other appropriate values that an operator demonstrates can provide conservative Charpy v-notch toughness values of crack-related conditions of the pipeline segment. Operators using an assumed Charpy v-notch

toughness value must notify PHMSA in advance in accordance with subsection (1)(M) [(192.18)] and include in the notification the bases for demonstrating that the Charpy v-notch toughness values proposed are appropriate and conservative for use in analysis of crack-related conditions;

(II) Material strength. An operator must assume one of the following for material strength:

(a) Grade A pipe (30,000 psi); or

(b) The specified minimum yield strength that is the basis for the current maximum allowable operating pressure; and

(III) Pipe dimensions and other data. Until pipe wall thickness, diameter, or other data are determined and documented in accordance with subsection (12)(E), the operator must use values upon which the current MAOP is based.

6. Review. Analyses conducted in accordance with this subsection must be reviewed and confirmed by a subject matter expert.

7. Records. An operator must keep for the life of the pipeline records of the investigations, analyses, and other actions taken in accordance with the requirements of this subsection. Records must document justifications, deviations, and determinations made for the following, as applicable:

A. The technical approach used for the analysis;

B. All data used and analyzed;

C. Pipe and weld properties;

D. Procedures used;

E. Evaluation methodology used;

F. Models used;

G. Direct in situ examination data;

H. In-line inspection tool run information evaluated, including any multiple in-line inspection tool runs;

I. Pressure test data and results;

J. In-the-ditch assessments;

K. All measurement tool, assessment, and evaluation accuracy specifications and tolerances used in technical and operational results;

L. All finite element analysis results;

M. The number of pressure cycles to failure, the equivalent number of annual pressure cycles, and the pressure cycle counting method;

N. The predicted fatigue life and predicted failure pressure from the required fatigue life models and fracture mechanics evaluation methods;

O. Safety factors used for fatigue life and/or predicted failure pressure calculations;

P. Reassessment time interval and safety factors;

Q. The date of the review;

R. Confirmation of the results by qualified technical subject matter experts; and

S. Approval by responsible operator management personnel.

8. Reassessments. If an operator uses an engineering critical assessment method in accordance with paragraphs (13)(EE)3. or 4. to determine the maximum reevaluation intervals, the operator must reassess the anomalies as follows:

A. If the anomaly is in an HCA, the operator must reassess the anomaly within a maximum of seven (7) years in accordance with 49 CFR 192.939(a) (this federal regulation is incorporated by reference and adopted in section (16)), unless the safety factor is expected to go below what is specified in paragraph (13)(EE)3. or paragraph (13)(EE)4.; and

B. If the anomaly is outside of an HCA, the operator

must perform a reassessment of the anomaly within a maximum of ten (10) years in accordance with paragraph (13)(DD)2., unless the anomaly safety factor is expected to go below what is specified in paragraph (13)(EE)3. or paragraph (13)(EE)4.

(GG) Transmission Lines – Repair Criteria for Transmission Pipelines. (192.714)

1. Applicability. This section applies to transmission pipelines not subject to the repair criteria in section (16) – Pipeline Integrity Management for Transmission Lines (Subpart O). Pipeline segments that are located in high consequence areas, as defined in 49 CFR 192.903 (incorporated by reference in section (16)), must comply with the applicable actions specified by the integrity management requirements in section (16) – Pipeline Integrity Management for Transmission Lines (Subpart O).

2. General. Each operator must, in repairing its pipeline systems, ensure that the repairs are made in a safe manner and are made to prevent damage to persons, property, and the environment. A pipeline segment's operating pressure must be less than the predicted failure pressure determined in accordance with subsection (13)(EE) during repair operations. Repairs performed in accordance with this subsection must use pipe and material properties that are documented in traceable, verifiable, and complete records. If documented data required for any analysis, including predicted failure pressure for determining MAOP, is not available, an operator must obtain the undocumented data through subsection (12)(E). Until documented material properties are available, the operator must use the conservative assumptions in either subparagraph (13)(EE)5.B. or, if appropriate following a pressure test, in subparagraph (13)(EE)4.C.

3. Schedule for evaluation and remediation. An operator must remediate conditions according to a schedule that prioritizes the conditions for evaluation and remediation. Unless paragraph (13)(GG)4. provides a special requirement for remediating certain conditions, an operator must calculate the predicted failure pressure of anomalies or defects and follow the schedule in ASME/ANSI B31.8S (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)), section 7, Figure 4. If an operator cannot meet the schedule for any condition, the operator must document the reasons why it cannot meet the schedule and how the changed schedule will not jeopardize public safety. Each condition that meets any of the repair criteria in paragraph (13)(GG)4. in a steel transmission pipeline must be –

A. Removed by cutting out and replacing a cylindrical piece of pipe that will permanently restore the pipeline's MAOP based on the use of subsection (3)(C) and the design factors for the class location in which it is located; or

B. Repaired by a method, shown by technically proven engineering tests and analyses, that will permanently restore the pipeline's MAOP based upon the determined predicted failure pressure times the design factor for the class location in which it is located.

4. Remediation of certain conditions. For transmission pipelines not located in high consequence areas, an operator must remediate a listed condition according to the following criteria:

A. Immediate repair conditions. An operator's evaluation and remediation schedule for immediate repair conditions must follow section 7 of ASME/ANSI B31.8S (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)). An operator must repair the following conditions

immediately upon discovery:

(I) Metal loss anomalies where a calculation of the remaining strength of the pipe at the location of the anomaly shows a predicted failure pressure, determined in accordance with paragraph (13)(EE)2., of less than or equal to 1.1 times the MAOP;

(II) A dent located between the 8 o'clock and 4 o'clock positions (upper 2/3 of the pipe) that has metal loss, cracking, or a stress riser, unless an engineering analysis performed in accordance with paragraph (13)(EE)3. demonstrates critical strain levels are not exceeded;

(III) Metal loss greater than eighty percent (80%) of nominal wall regardless of dimensions;

(IV) Metal loss preferentially affecting a detected longitudinal seam, if that seam was formed by direct current, low-frequency or high-frequency electric resistance welding, electric flash welding, or has a longitudinal joint factor less than 1.0, and the predicted failure pressure determined in accordance with paragraph (13)(EE)4. is less than 1.25 times the MAOP;

(V) A crack or crack-like anomaly meeting any of the following criteria:

(a) Crack depth plus any metal loss is greater than fifty percent (50%) of pipe wall thickness;

(b) Crack depth plus any metal loss is greater than the inspection tool's maximum measurable depth; or

(c) The crack or crack-like anomaly has a predicted failure pressure, determined in accordance with (13)(EE)4., that is less than 1.25 times the MAOP; and

(VI) An indication or anomaly that, in the judgment of the person designated by the operator to evaluate the assessment results, requires immediate action.

B. Two- (2-) year conditions. An operator must repair the following conditions within two (2) years of discovery:

(I) A smooth dent located between the 8 o'clock and 4 o'clock positions (upper 2/3 of the pipe) with a depth greater than six percent (6%) of the pipeline diameter (greater than 0.50 inches in depth for a pipeline diameter less than Nominal Pipe Size (NPS) 12), unless an engineering analysis performed in accordance with paragraph (13)(EE)3. demonstrates critical strain levels are not exceeded;

(II) A dent with a depth greater than two percent (2%) of the pipeline diameter (0.250 inches in depth for a pipeline diameter less than NPS 12) that affects pipe curvature at a girth weld or at a longitudinal or helical (spiral) seam weld, unless an engineering analysis performed in accordance with paragraph (13)(EE)3. demonstrates critical strain levels are not exceeded;

(III) A dent located between the 4 o'clock and 8 o'clock positions (lower 1/3 of the pipe) that has metal loss, cracking, or a stress riser, unless an engineering analysis performed in accordance with paragraph (13)(EE)3. demonstrates critical strain levels are not exceeded;

(IV) For metal loss anomalies, a calculation of the remaining strength of the pipe shows a predicted failure pressure, determined in accordance with paragraph (13)(EE)2. at the location of the anomaly, of less than 1.39 times the MAOP for Class 2 locations, or less than 1.50 times the MAOP for Class 3 and 4 locations. For metal loss anomalies in Class 1 locations with a predicted failure pressure greater than 1.1 times MAOP, an operator must follow the remediation schedule specified in ASME/ANSI B31.8S (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)), section 7, Figure 4, as specified in paragraph (13)(GG)3.;

(V) Metal loss that is located at a crossing of another

pipeline, is in an area with widespread circumferential corrosion, or could affect a girth weld, and that has a predicted failure pressure, determined in accordance with paragraph (13)(EE)2., less than 1.39 times the MAOP for Class 1 locations or where Class 2 locations contain Class 1 pipe that has been uprated in accordance with subsection (12)(G), or less than 1.50 times the MAOP for all other Class 2 locations and all Class 3 and 4 locations;

(VI) Metal loss preferentially affecting a detected longitudinal seam, if that seam was formed by direct current, low-frequency or high-frequency electric resistance welding, electric flash welding, or that has a longitudinal joint factor less than 1.0, and where the predicted failure pressure determined in accordance with paragraph (13)(EE)4. is less than 1.39 times the MAOP for Class 1 locations or where Class 2 locations contain Class 1 pipe that has been uprated in accordance with subsection (12)(G), or less than 1.50 times the MAOP for all other Class 2 locations and all Class 3 and 4 locations; and

(VII) A crack or crack-like anomaly that has a predicted failure pressure, determined in accordance with paragraph (13)(EE)4., that is less than 1.39 times the MAOP for Class 1 locations or where Class 2 locations contain Class 1 pipe that has been uprated in accordance with subsection (12)(G), or less than 1.50 times the MAOP for all other Class 2 locations and all Class 3 and 4 locations.

C. Monitored conditions. An operator must record and monitor the following conditions during subsequent risk assessments and integrity assessments for any change that may require remediation;

(I) A dent that is located between the 4 o'clock and 8 o'clock positions (bottom 1/3 of the pipe) with a depth greater than six percent (6%) of the pipeline diameter (greater than 0.50 inches in depth for a pipeline diameter less than NPS 12), and where an engineering analysis, performed in accordance with paragraph (13)(EE)3., demonstrates critical strain levels are not exceeded;

(II) A dent located between the 8 o'clock and 4 o'clock positions (upper 2/3 of the pipe) with a depth greater than six percent (6%) of the pipeline diameter (greater than 0.50 inches in depth for a pipeline diameter less than NPS 12), and where an engineering analysis performed in accordance with paragraph (13)(EE)3. determines that critical strain levels are not exceeded;

(III) A dent with a depth greater than two percent (2%) of the pipeline diameter (0.250 inches in depth for a pipeline diameter less than NPS 12) that affects pipe curvature at a girth weld or longitudinal or helical (spiral) seam weld, and where an engineering analysis of the dent and girth or seam weld, performed in accordance with paragraph (13)(EE)3., demonstrates critical strain levels are not exceeded. These analyses must consider weld mechanical properties;

(IV) A dent that has metal loss, cracking, or a stress riser, and where an engineering analysis performed in accordance with paragraph (13)(EE)3. demonstrates critical strain levels are not exceeded;

(V) Metal loss preferentially affecting a detected longitudinal seam, if that seam was formed by direct current, low-frequency or high-frequency electric resistance welding, electric flash welding, or that has a longitudinal joint factor less than 1.0, and where the predicted failure pressure, determined in accordance with paragraph (13)(EE)4., is greater than or equal to 1.39 times the MAOP for Class 1 locations or where Class 2 locations contain Class 1 pipe that has been uprated in accordance

with subsection (12)(G), or is greater than or equal to 1.50 times the MAOP for all other Class 2 locations and all Class 3 and 4 locations; and

(VI) A crack or crack-like anomaly for which the predicted failure pressure, determined in accordance with paragraph (13)(EE)4., is greater than or equal to 1.39 times the MAOP for Class 1 locations or where Class 2 locations contain Class 1 pipe that has been uprated in accordance with subsection (12)(G), or is greater than or equal to 1.50 times the MAOP for all other Class 2 locations and all Class 3 and 4 locations.

5. Temporary pressure reduction.

A. Immediately upon discovery and until an operator remediates the condition specified in subparagraph (13)(GG)4.A., or upon a determination by an operator that it is unable to respond within the time limits for the conditions specified in subparagraph (13)(GG)4.B., the operator must reduce the operating pressure of the affected pipeline to any one (1) of the following based on safety considerations for the public and operating personnel:

(I) A level not exceeding eighty percent (80%) of the operating pressure at the time the condition was discovered;

(II) A level not exceeding the predicted failure pressure times the design factor for the class location in which the affected pipeline is located; or

(III) A level not exceeding the predicted failure pressure divided by 1.1.

B. An operator must notify PHMSA in accordance with subsection (1)(M) if it cannot meet the schedule for evaluation and remediation required under paragraph (13)(GG)3. or paragraph (13)(GG)4. and cannot provide safety through a temporary reduction in operating pressure or other action. Notification to PHMSA does not alleviate an operator from the evaluation, remediation, or pressure reduction requirements in this subsection.

C. When a pressure reduction, in accordance with paragraph (13)(GG)5., exceeds three hundred sixty-five (365) days, an operator must notify PHMSA in accordance with subsection (1)(M) and explain the reasons for the remediation delay. This notice must include a technical justification that the continued pressure reduction will not jeopardize the integrity of the pipeline.

D. An operator must document and keep records of the calculations and decisions used to determine the reduced operating pressure and the implementation of the actual reduced operating pressure for a period of five (5) years after the pipeline has been repaired.

6. Other conditions. Unless another time frame is specified in paragraph (13)(GG)4., an operator must take appropriate remedial action to correct any condition that could adversely affect the safe operation of a pipeline system in accordance with the criteria, schedules, and methods defined in the operator's operating and maintenance procedures.

7. In situ direct examination of crack defects. Whenever an operator finds conditions that require the pipeline to be repaired, in accordance with this subsection, an operator must perform a direct examination of known locations of cracks or crack-like defects using technology that has been validated to detect tight cracks (equal to or less than 0.008 inches crack opening), such as inverse wave field extrapolation (IWEX), phased array ultrasonic testing (PAUT), ultrasonic testing (UT), or equivalent technology. "In situ" examination tools and procedures for crack assessments (length, depth, and volumetric) must have

performance and evaluation standards, including pipe or weld surface cleanliness standards for the inspection, confirmed by subject-matter experts qualified by knowledge, training, and experience in direct examination inspection for accuracy of the type of defects and pipe material being evaluated. The procedures must account for inaccuracies in evaluations and fracture mechanics models for failure pressure determinations.

8. Determining predicted failure pressures and critical strain levels. An operator must perform all determinations of predicted failure pressures and critical strain levels required by this subsection in accordance with subsection (13)(EE).

(16) Pipeline Integrity Management for Transmission Lines.

(A) As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2019] 2021, and the subsequent amendments 192-[125] 130 (published in *Federal Register* on [October 1, 2019] April 8, 2022, page [84] 87 FR [52180] 20940), 192-132 (published in *Federal Register* on August 24, 2022, page 87 FR 52224), and 192-133 (published in the *Federal Register* on April 24, 2023, page 88 FR 24708), the federal regulations in 49 CFR part 192, subpart O and in 49 CFR part 192, appendices E and F are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to subpart O and appendices E and F to 49 CFR part 192.

(B) The *Code of Federal Regulations* and the *Federal Register* are published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2019] 2021, version of 49 CFR part 192 is available at <https://www.govinfo.gov/#citation>. The *Federal Register* publication on page [84] 87 FR [52180] 20940 is available at [<https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20306.pdf>] <https://www.govinfo.gov/content/pkg/FR-2022-04-08/pdf/2022-07133.pdf>. The *Federal Register* publication on page 87 FR 52224 is available at <https://www.govinfo.gov/content/pkg/FR-2022-08-24/pdf/2022-17031.pdf>. The *Federal Register* publication on page 88 FR 24708 is available at <https://www.govinfo.gov/content/pkg/FR-2023-04-24/pdf/2023-08548.pdf>.

(F) For the purposes of this section, the following substitutions should be made for certain references in the federal pipeline safety regulations that are incorporated by reference in subsection (16)(A).

1. [(Reserved)] In 49 CFR 192.901 through 192.951, the references to "incorporated by reference, see section 192.7" should refer to "incorporated by reference in 49 CFR 192.7 and adopted in 20 CSR 4240-40.030(1)(D)" instead.

2. In 49 CFR 192.901, 192.917, and 192.935, the references to "this part" should refer to "this rule" instead.

3. In 49 CFR 192.903 and 192.927, the references to "section 192.3" should refer to "20 CSR 4240-40.030(1)(B)" instead.

4. In 49 CFR 192.903, the reference to "section 192.5" should refer to "20 CSR 4240-40.030(1)(C)" instead.

5. In 49 CFR 192.911, the reference to "section 192.13(d)" should refer to "20 CSR 4240-40.030(1)(G)4." instead.

[2.]6. In 49 CFR 192.917[(e)(5)], the reference to "part 192" should refer to "20 CSR 4240-40.030" instead.

7. In 49 CFR 192.917, the reference to "a reportable incident, as defined in section 191.3" should refer to "a reportable federal incident, as defined in 20 CSR 4240-40.020(2)" instead.

8. In 49 CFR 192.917, the reference to "section 192.113" should refer to "20 CSR 4240-40.030(3)(G)" instead.

9. In 49 CFR 192.917, the reference to “section 192.459” should refer to “20 CSR 4240-40.030(9)(F)” instead.

10. In 49 CFR 192.917, the reference to “section 192.605(c)” should refer to “20 CSR 4240-40.030(12)(C)3.” instead.

11. In 49 CFR 192.917, the reference to “section 192.617” should refer to “20 CSR 4240-40.030(12)(L)” instead.

12. In 49 CFR 192.917 and 192.921, the references to “subpart J” should refer to “20 CSR 4240-40.030(10)” instead.

13. In 49 CFR 192.917, 192.921, 192.927, 192.933, 192.937, and 192.939, the references to “section 192.18” should refer to “20 CSR 4240-40.030(1)(M)” instead.

14. In 49 CFR 192.917, 192.929, and 192.933, the references to “section 192.712” should refer to “20 CSR 4240-40.030(13)(EE)” instead.

15. In 49 CFR 192.921, 192.929, and 192.937, the references to “section 192.506” should refer to “20 CSR 4240-40.030(10)(K)” instead.

[3.]16. In 49 CFR 192.921[(a)(2)] and 192.937[(c)(2)], the references to “subpart J of this part” should refer to “20 CSR 4240-40.030(10)” instead.

[4.]17. [(Reserved)] In 49 CFR 192.921 and 192.937, the references to “section 192.624(c)” should refer to “20 CSR 4240-40.030(12)(U)3.” instead.

18. In 49 CFR 192.927, the reference to “sections 192.485 and 192.714” should refer to “20 CSR 4240-40.030(9)(S) and 20 CSR 4240-40.030(13)(GG)” instead.

19. In 49 CFR 192.927, the reference to “section 192.478” should refer to “20 CSR 4240-40.030(9)(Y)” instead.

20. In 49 CFR 192.929, the reference to “section 192.111 and 192.112” should refer to “20 CSR 4240-40.030(3)(F) and 20 CSR 4240-40.030(3)(L)” instead.

21. In 49 CFR 192.929, the reference to “section 192.506(a)” should refer to “20 CSR 4240-40.030(10)(K)1.” instead.

22. In 49 CFR 192.929 and 192.933, the references to “section 192.607” should refer to “20 CSR 4240-40.030(12)(E)” instead.

23. In 49 CFR 192.929 and 192.933, the references to “section 192.611” should refer to “20 CSR 4240-40.030(12)(G)” instead.

24. In 49 CFR 192.933, the reference to “section 192.712(b)” should refer to “20 CSR 4240-40.030(13)(EE)2.” instead.

25. In 49 CFR 192.933, the reference to “section 192.712(c)” should refer to “20 CSR 4240-40.030(13)(EE)3.” instead.

26. In 49 CFR 192.933, the reference to “section 192.712(d)” should refer to “20 CSR 4240-40.030(13)(EE)4.” instead.

27. In 49 CFR 192.933, the reference to “section 192.712(d)(3)” should refer to “20 CSR 4240-40.030(13)(EE)4.C.” instead.

28. In 49 CFR 192.933, the reference to “section 192.712(e)(2)” should refer to “20 CSR 4240-40.030(13)(EE)5.B.” instead.

29. In 49 CFR 192.935, the reference to “Part 192” should refer to “20 CSR 4240-40.030” instead.

[5.]30. In 49 CFR 192.935[(b)(1)(ii)], the reference to “an incident under part 191” should refer to “a federal incident under 20 CSR 4240-40.020” instead.

31. In 49 CFR 192.935, the reference to “an incident or safety-related condition, as those terms are defined at sections 191.3 and 191.23” should refer to “a federal incident or safety-related condition, as those terms are defined at 20 CSR 4240-40.020(2) and 20 CSR 4240-40.020(12)” instead.

32. In 49 CFR 192.935, the reference to “section 192.614

of this part” should refer to “20 CSR 4240-40.030(12)(I)” instead.

[6.]33. In 49 CFR 192.935[(d)(2)], the reference to “section 192.705” should refer to “20 CSR 4240-40.030(13)(C)” instead.

34. In 49 CFR 192.937, the reference to “section 192.493” should refer to “20 CSR 4240-40.030(9)(X)” instead.

[7.]35. In 49 CFR 192.941[(b)(2)(i)], the reference to “section 192.706” should refer to “20 CSR 4240-40.030(13)(D)” instead.

[8.]36. In 49 CFR 192.945[(a)], the references to “section 191.17 of this subchapter” should refer to “20 CSR 4240-40.020(10)” instead.

[9.]37. In 49 CFR 192.947[(i)], the reference to “a State authority with which OPS has an interstate agent agreement, and a State or local pipeline safety authority that regulates a covered pipeline segment within that State” should refer to “designated commission personnel” instead.

[10.]38. In 49 CFR 192.951, the reference to “section 191.7 of this subchapter” should refer to “20 CSR 4240-40.020(5)(A)” instead.

Appendix E to 20 CSR 4240-40.030

Appendix E—Table of Contents—Safety Standards—Transportation of Gas by Pipeline

20 CSR 4240-40.030(1) General

- (A) What Is the Scope of this Rule? (192.1)
- (B) Definitions. (192.3)
- (C) Class Locations. (192.5)
- (D) Incorporation By Reference of the Federal Regulation at 49 CFR 192.7. (192.7)
- (E) Gathering Lines. (192.8 and 192.9)
- (F) Petroleum Gas Systems. (192.11)
- (G) What General Requirements Apply to Pipelines Regulated Under this Rule? (192.13)
- (H) Conversion to Service Subject to this Rule. (192.14)
- (I) Rules of Regulatory Construction. (192.15)
- (J) Filing of Required Plans, Procedures, and Programs.
- (K) Customer Notification Required by Section 192.16 of 49 CFR 192. (192.16)
- (L) Customer Notification, Paragraph (12)(S)2.
- (M) How to Notify PHMSA and Designated Commission Personnel. (192.18)

20 CSR 4240-40.030(2) Materials

- (A) Scope. (192.51)
- (B) General. (192.53)
- (C) Steel Pipe. (192.55)
- (D) Plastic Pipe. (192.59)
- (E) Marking of Materials. (192.63)
- (F) Transportation of Pipe. (192.65)
- (G) Records: Material Properties. (192.67)
- (H) Storage and Handling of Plastic Pipe and Associated Components. (192.69)

20 CSR 4240-40.030(3) Pipe Design

- (A) Scope. (192.101)
- (B) General. (192.103)
- (C) Design Formula for Steel Pipe. (192.105)
- (D) Yield Strength (S) for Steel Pipe. (192.107)
- (E) Nominal Wall Thickness (t) for Steel Pipe. (192.109)
- (F) Design Factor (F) for Steel Pipe. (192.111)
- (G) Longitudinal Joint Factor (E) for Steel Pipe. (192.113)
- (H) Temperature Derating Factor (T) for Steel Pipe. (192.115)
- (I) Design of Plastic Pipe. (192.121)
- (J) *Reserved*. (192.123)
- (K) Design of Copper Pipe for Repairs. (192.125)
- (L) Additional Design Requirements for Steel Pipe Using

Alternative Maximum Allowable Operating Pressure. (192.112)
(M) Records: Pipe design. (192.127)

20 CSR 4240-40.030(4) Design of Pipeline Components

(A) Scope. (192.141)
(B) General Requirements. (192.143)
(C) Qualifying Metallic Components. (192.144)
(D) Valves. (192.145)
(E) Flanges and Flange Accessories. (192.147)
(F) Standard Fittings. (192.149)
(G) Tapping. (192.151)
(H) Components Fabricated by Welding. (192.153)
(I) Welded Branch Connections. (192.155)
(J) Extruded Outlets. (192.157)
(K) Flexibility. (192.159)
(L) Supports and Anchors. (192.161)
(M) Compressor Stations – Design and Construction. (192.163)
(N) Compressor Stations – Liquid Removal. (192.165)
(O) Compressor Stations – Emergency Shutdown. (192.167)
(P) Compressor Stations – Pressure Limiting Devices. (192.169)
(Q) Compressor Stations – Additional Safety Equipment. (192.171)
(R) Compressor Stations – Ventilation. (192.173)
(S) Pipe-Type and Bottle-Type Holders. (192.175)
(T) Additional Provisions for Bottle-Type Holders. (192.177)
(U) Transmission Line Valves. (192.179)
(V) Distribution Line Valves. (192.181)
(W) Vaults – Structural Design Requirements. (192.183)
(X) Vaults – Accessibility. (192.185)
(Y) Vaults – Sealing, Venting, and Ventilation. (192.187)
(Z) Vaults – Drainage and Waterproofing. (192.189)
(AA) Risers Installed After January 22, 2019. (192.204)
(BB) Valve Installation in Plastic Pipe. (192.193)
(CC) Protection Against Accidental Overpressuring. (192.195)
(DD) Control of the Pressure of Gas Delivered From Transmission Lines and High-Pressure Distribution Systems to Service Equipment. (192.197)
(EE) Requirements for Design of Pressure Relief and Limiting Devices. (192.199)
(FF) Required Capacity of Pressure Relieving and Limiting Stations. (192.201)
(GG) Instrument, Control, and Sampling Pipe and Components. (192.203)
(HH) Passage of Internal Inspection Devices. (192.150)
(II) Records: Pipeline Components. (192.205)

20 CSR 4240-40.030(5) Welding of Steel in Pipelines

(A) Scope. (192.221)
(B) General.
(C) Welding Procedures. (192.225)
(D) Qualification of Welders and Welding Operators. (192.227)
(E) Limitations on Welders and Welding Operators. (192.229)
(F) Protection From Weather. (192.231)
(G) Miter Joints. (192.233)
(H) Preparation for Welding. (192.235)
(I) Inspection and Test of Welds. (192.241)
(J) Nondestructive Testing. (192.243)
(K) Repair or Removal of Defects. (192.245)

20 CSR 4240-40.030(6) Joining of Materials Other Than by Welding

(A) Scope. (192.271)
(B) General. (192.273)
(C) Cast Iron Pipe. (192.275)
(D) Ductile Iron Pipe. (192.277)
(E) Copper Pipe. (192.279)
(F) Plastic Pipe. (192.281)

(G) Plastic Pipe – Qualifying Joining Procedures. (192.283)
(H) Plastic Pipe – Qualifying Persons to Make Joints. (192.285)
(I) Plastic Pipe – Inspection of Joints. (192.287)

20 CSR 4240-40.030(7) General Construction Requirements for Transmission Lines and Mains

(A) Scope. (192.301)
(B) Compliance With Specifications or Standards. (192.303)
(C) Inspection – General. (192.305)
(D) Inspection of Materials. (192.307)
(E) Repair of Steel Pipe. (192.309)
(F) Repair of Plastic Pipe During Construction. (192.311)
(G) Bends and Elbows. (192.313)
(H) Wrinkle Bends in Steel Pipe. (192.315)
(I) Protection From Hazards. (192.317)
(J) Installation of Pipe in a Ditch. (192.319)
(K) Installation of Plastic Pipe. (192.321)
(L) Casing. (192.323)
(M) Underground Clearance. (192.325)
(N) Cover. (192.327)
(O) Additional Construction Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. (192.328)
(P) Installation of Plastic Pipelines by Trenchless Excavation. (192.329)

20 CSR 4240-40.030(8) Customer Meters, Service Regulators, and Service Lines

(A) Scope, Compliance with Specifications or Standards, and Inspections. (192.351)
(B) Service Lines and Yard Lines.
(C) Customer Meters and Regulators – Location. (192.353)
(D) Customer Meters and Regulators – Protection From Damage. (192.355)
(E) Customer Meters and Regulators – Installation. (192.357)
(F) Customer Meter Installations – Operating Pressure. (192.359)
(G) Service Lines – Installation. (192.361)
(H) Service Lines – Valve Requirements. (192.363)
(I) Service Lines – Location of Valves. (192.365)
(J) Service Lines – General Requirements for Connections to Main Piping. (192.367)
(K) Service Lines – Connections to Cast Iron or Ductile Iron Mains. (192.369)
(L) Service Lines – Steel. (192.371)
(M) Service Lines – Plastic. (192.375)
(N) New Service Lines Not in Use. (192.379)
(O) Service Lines – Excess Flow Valve Performance Standards. (192.381)
(P) Excess Flow Valve Installation. (192.383)
(Q) Manual Service Line Shut-Off Valve Installation. (192.385)
(R) Installation of Plastic Service Lines by Trenchless Excavation. (192.376)

20 CSR 4240-40.030(9) Requirements for Corrosion Control

(A) Scope. (192.451)
(B) How Does this Section Apply to Converted Pipelines and Regulated Onshore Gathering Lines? (192.452)
(C) General. (192.453)
(D) External Corrosion Control – Buried or Submerged Pipelines Installed After July 31, 1971. (192.455)
(E) External Corrosion Control – Buried or Submerged Pipelines Installed Before August 1, 1971. (192.457)
(F) External Corrosion Control – Inspection of Buried Pipeline When Exposed. (192.459)
(G) External Corrosion Control – Protective Coating. (192.461)
(H) External Corrosion Control – Cathodic Protection.

(192.463)

(I) External Corrosion Control – Monitoring and Remediation. (192.465)

(J) External Corrosion Control – Electrical Isolation. (192.467)

(K) External Corrosion Control – Test Stations. (192.469)

(L) External Corrosion Control – Test Leads. (192.471)

(M) External Corrosion Control – Interference Currents. (192.473)

(N) Internal Corrosion Control – General and Monitoring. (192.475 and 192.477)

(O) Internal Corrosion Control – Design and Construction of Transmission Line. (192.476)

(P) Atmospheric Corrosion Control – General. (192.479)

(Q) Atmospheric Corrosion Control – Monitoring. (192.481)

(R) Remedial Measures – General. (192.483)

(S) Remedial Measures – Transmission Lines. (192.485)

(T) Remedial Measures – Distribution Lines Other Than Cast Iron or Ductile Iron Lines. (192.487)

(U) Remedial Measures – Cast Iron and Ductile Iron Pipelines. (192.489)

(V) Corrosion Control Records. (192.491)

(W) Direct Assessment. (192.490)

(X) In-line Inspection of Pipelines. (192.493)

(Y) Internal Corrosion Control – Transmission Monitoring and Mitigation. (192.478)**20 CSR 4240-40.030(10) Test Requirements**

(A) Scope. (192.501)

(B) General Requirements. (192.503)

(C) Strength Test Requirements for Steel Pipelines to Operate at a Hoop Stress of Thirty Percent (30%) or More of SMYS. (192.505)

(D) Test Requirements for Pipelines to Operate at a Hoop Stress Less Than Thirty Percent (30%) of SMYS and At or Above One Hundred (100) psi (689 kPa) gauge. (192.507)

(E) Test Requirements for Pipelines to Operate Below One Hundred (100) psi (689 kPa) gauge. (192.509)

(F) Test Requirements for Service Lines. (192.511)

(G) Test Requirements for Plastic Pipelines. (192.513)

(H) Environmental Protection and Safety Requirements. (192.515)

(I) Records. (192.517)

(J) Test Requirements for Customer-Owned Fuel Lines.

(K) Transmission Lines: Spike Hydrostatic Pressure Test. (192.506)

20 CSR 4240-40.030(11) Upgrading

(A) Scope. (192.551)

(B) General Requirements. (192.553)

(C) Upgrading to a Pressure That Will Produce a Hoop Stress of Thirty Percent (30%) or More of SMYS in Steel Pipelines. (192.555)

(D) Upgrading – Steel Pipelines to a Pressure That Will Produce a Hoop Stress Less Than Thirty Percent (30%) of SMYS – Plastic, Cast Iron, and Ductile Iron Pipelines. (192.557)

20 CSR 4240-40.030(12) Operations

(A) Scope. (192.601)

(B) General Provisions. (192.603)

(C) Procedural Manual for Operations, Maintenance, and Emergencies. (192.605)

(D) Qualification of Pipeline Personnel. (Subpart N)

(E) Verification of Pipeline Material Properties and Attributes: Steel Transmission Pipelines. (192.607)

(F) Change in Class Location – Required Study. (192.609)

(G) Change in Class Location – Confirmation or Revision of

Maximum Allowable Operating Pressure. (192.611)

(H) Continuing Surveillance. (192.613)

(I) Damage Prevention Program. (192.614)

(J) Emergency Plans. (192.615)

(K) Public Awareness. (192.616)

(L) Investigation of Failures **and Incidents.** (192.617)

(M) Maximum Allowable Operating Pressure – Steel or Plastic Pipelines. (192.619 and 192.620)

(N) Maximum Allowable Operating Pressure – High-Pressure Distribution Systems. (192.621)

(O) Maximum and Minimum Allowable Operating Pressure – Low-Pressure Distribution Systems. (192.623)

(P) Odorization of Gas. (192.625)

(Q) Tapping Pipelines Under Pressure. (192.627)

(R) Purging of Pipelines. (192.629)

(S) Providing Service to Customers.

(T) Control Room Management. (192.631)

(U) Maximum Allowable Operating Pressure Reconfirmation: Steel Transmission Pipelines. (192.624)

(V) Engineering Critical Assessment for Maximum Allowable Operating Pressure Reconfirmation: Steel Transmission Pipelines. (192.632)

(W) Change in Class Location – Change in Valve Spacing. (192.610)**(X) Transmission Lines – Valve Shut-Off for Rupture Mitigation.** (192.634)**(Y) Notification of Potential Rupture.** (192.635)**(Z) Transmission Lines – Response to a Rupture; Capabilities of Rupture-Mitigation Valves (RMVs) or Alternative Equivalent Technologies.** (192.636)**20 CSR 4240-40.030(13) Maintenance**

(A) Scope. (192.701)

(B) General. (192.703)

(C) Transmission Lines – Patrolling. (192.705)

(D) Transmission Lines – Leakage Surveys. (192.706)

(E) Line Markers for Mains and Transmission Lines. (192.707)

(F) Record Keeping.

(G) Transmission Lines – General Requirements for Repair Procedures. (192.711)

(H) Transmission Lines – Permanent Field Repair of Imperfections and Damages. (192.713)

(I) Transmission Lines – Permanent Field Repair of Welds. (192.715)

(J) Transmission Lines – Permanent Field Repair of Leaks. (192.717)

(K) Transmission Lines – Testing of Repairs. (192.719)

(L) Distribution Systems – Patrolling. (192.721)

(M) Distribution Systems – Leakage Surveys. (192.723)

(N) Test Requirements for Reinstating Service Lines and Fuel Lines. (192.725)

(O) Abandonment or Deactivation of Facilities. (192.727)

(P) Compressor Stations – Inspection and Testing of Relief Devices. (192.731)

(Q) Compressor Stations – Storage of Combustible Materials and Gas Detection. (192.735 and 192.736)

(R) Pressure Limiting and Regulating Stations – Inspection and Testing. (192.739)

(S) Pressure Limiting and Regulating Stations – Telemetry or Recording Gauges. (192.741)

(T) Pressure Limiting and Regulating Stations – Capacity of Relief Devices. (192.743)

(U) Valve Maintenance – Transmission Lines. (192.745)

(V) Valve Maintenance – Distribution Systems. (192.747)

(W) Vault Maintenance. (192.749)

(X) Prevention of Accidental Ignition. (192.751)

- (Y) Caulked Bell and Spigot Joints. (192.753)
- (Z) Protecting or Replacing Disturbed Cast Iron Pipelines. (192.755)
- (AA) Repair of Plastic Pipe. (192.720)
- (BB) Pressure Regulating, Limiting, and Overpressure Protection – Individual Service Lines Directly Connected to Regulated Gathering or Transmission Pipelines. (192.740)
- (CC) Joining Plastic Pipe by Heat Fusion; Equipment Maintenance and Calibration. (192.756)
- (DD) Transmission Lines: Assessments Outside of High Consequence Areas. (192.710)
- (EE) Analysis of Predicted Failure Pressure **and Critical Strain Level**. (192.712)
- (FF) Launcher and Receiver Safety. (192.750)
- (GG) Transmission Lines – Repair Criteria for Transmission Pipelines. (192.714)**

20 CSR 4240-40.030(14) Gas Leaks

- (A) Scope.
- (B) Investigation and Classification Procedures.
- (C) Leak Classifications.

20 CSR 4240-40.030(15) Replacement Programs

- (A) Scope.
- (B) Replacement Programs – General Requirements.
- (C) Replacement Program – Unprotected Steel Service Lines and Yard Lines.
- (D) Replacement Program – Cast Iron.
- (E) Replacement/Cathodic Protection Program – Unprotected Steel Transmission Lines, Feeder Lines, and Mains.

20 CSR 4240-40.030(16) Pipeline Integrity Management for Transmission Lines

20 CSR 4240-40.030(17) Gas Distribution Pipeline Integrity Management (IM)

- (A) What Definitions Apply to this Section? (192.1001)
- (B) What Do the Regulations in this Section Cover? (192.1003)
- (C) What Must a Gas Distribution Operator (Other than a Small LPG Operator) Do to Implement this Section? (192.1005)
- (D) What Are the Required Elements of an Integrity Management Plan? (192.1007)
- (E) *Reserved*.
- (F) What Records Must an Operator Keep? (192.1011)
- (G) When May an Operator Deviate from Required Periodic Inspections Under this Rule? (192.1013)
- (H) What Must a Small LPG Operator Do to Implement this Section? (192.1015)

20 CSR 4240-40.030(18) Waivers of Compliance

*AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo 2016. This rule originally filed as 4 CSR 240-40.030. Original rule filed Feb. 23, 1968, effective March 14, 1968. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 27, 2023.*

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 of five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public

Service Commission, Nancy Dippell, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 1, 2023, and should include a reference to Commission Case No. GX-2023-0422. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 4, 2023, at 1 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, MO. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1 (800) 392-4211 or TDD Hotline 1 (800) 829-7541.

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 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

Division 250 – University of Missouri Chapter 7 – Financial Administration of the State Cancer Center

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Higher Education and Workforce Development under section 192.005, RSMo Supp. 2023, the department rescinds a rule as follows:

6 CSR 250-7.010 Definitions Relating to the Financial Administration of the State Cancer Center **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2023 (48 MoReg 1013). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

Division 250 – University of Missouri Chapter 7 – Financial Administration of the State Cancer Center

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Higher Education and Workforce Development under section 192.005, RSMo Supp. 2023, the department rescinds a rule as follows:

6 CSR 250-7.020 Utilization of Payments by Third-Party Sources and Responsible Parties for Care Rendered by the State Cancer Center **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2023 (48 MoReg 1013). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

Division 250 – University of Missouri Chapter 7 – Financial Administration of the State Cancer Center

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Higher Education and Workforce Development under section 192.005, RSMo Supp. 2023, the department rescinds a rule as follows:

6 CSR 250-7.030 Standard Means Test for Missouri Residents Who Are Patients of the State Cancer Center **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2023 (48 MoReg 1013-1014). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

Division 250 – University of Missouri Chapter 7 – Financial Administration of the State Cancer Center

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Higher Education and Workforce Development under section 192.005, RSMo Supp. 2023, the department rescinds a rule as follows:

6 CSR 250-7.040 Patients for Whom the Standard Means Test Is Unavailable **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2023 (48 MoReg 1014). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed

rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 9 – DEPARTMENT OF MENTAL HEALTH
Division 10 – Director, Department of Mental Health
Chapter 7 – Core Rules for Psychiatric and Substance
Use Disorder Treatment Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.192 and 630.193 to 630.198, RSMo 2016, the department amends a rule as follows:

9 CSR 10-7.130 Procedures to Obtain Certification **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2023 (48 MoReg 919-920). 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 1 – Organization of Department of Revenue

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 536.023.3, RSMo 2016, the director amends a rule as follows:

12 CSR 10-1.010 Organizational Structure **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2023 (48 MoReg 802). 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 Department of Revenue received no comments during the thirty (30) day review.

TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 42 – General Department Policies

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 32.057, 610.010, and 610.025, RSMo 2016, the director amends a rule as follows:

12 CSR 10-42.050 Disclosure of Public Records and Confidentiality of Closed Records **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2023 (48 MoReg 802-804). 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 Department of Revenue received no comments during the thirty (30) day review.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 10 – Nursing Home Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.159, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/IID Services **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2023 (48 MoReg 804-809). 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 20 – Pharmacy Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201, 338.505, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-20.320 Pharmacy Reimbursement Allowance **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2023 (48 MoReg 734). 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 MO HealthNet Division received one (1) comment on the proposed amendment.

COMMENT #1: Justin Meyer with Tax Analysts comments: "Our magazine is planning to cover the proposed action to amend Subsection 2(E) of rule 13 CSR 70-20.320 (Pharmacy Reimbursement Allowance), but we have a concern regarding the wording. The April 17 Missouri register says that the PRA tax rate will be a uniform 0.37 percent beginning July 1, 2022 (see attached file). Is this a typo meant to say 2023, or is the rate retroactive to a pharmacy's total prescription volume from July 1, 2022, to July 1, 2023? Or perhaps it has another meaning? Please advise so that we may resume production on this document."

RESPONSE: The effective date of the pharmacy tax rate change is July 1, 2022, as stated in the amendment language. No changes have been made as a result of this comment.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2235 – State Committee of Psychologists
Chapter 1 – General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under section 337.050, RSMo Supp. 2023, the committee amends a rule as follows:

20 CSR 2235-1.020 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2023 (48 MoReg 922-923). 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 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2235 – State Committee of Psychologists
Chapter 1 – General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under section 337.050, RSMo Supp. 2023, the committee amends a rule as follows:

**20 CSR 2235-1.050 Renewal or Restoration of a License is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2023 (48 MoReg 924). 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 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 September 21, 2023. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name

City (County)

Cost, Description

8/10/2023

#6019 HT: Centerpoint Medical Center
Independence (Jackson County)
\$3,111,287, Replace MRI

#6020 HT: Lafayette Regional Health Center
Lexington (Lafayette County)
\$1,806,394, Replace MRI

#6045 RT: Lutheran Senior Services at Meramec Bluffs
Ballwin (St. Louis County)
\$0, LTC Bed Expansion (Purchase 10 ALF beds)

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 September 13, 2023. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102

For additional information, contact Alison Dorge at alison.dorge@health.mo.gov.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 400 – Life, Annuities and Health
Chapter 5 – Advertising and Material Disclosures**

NON-SUBSTANTIVE CHANGE REQUEST

**20 CSR 400-5.600 Missouri Life and Health Insurance
Guaranty Association**

The Missouri Department of Commerce and Insurance request that the secretary of state make a non-substantive change to the following rule in accordance with the provisions of section 536.032, RSMo. Rule 20 CSR 400-5.600 outlines the mailing information for the Missouri Life and Health Insurance Guaranty Association in Appendix One – Notice of Protection Provided by Missouri Life and Health Insurance Guaranty Association. The Missouri Life and Health Insurance Guaranty Association has moved offices since the prior approval of this rule and requests that Appendix One be updated with its current mailing address. The prior mailing address is listed as 2210 Missouri Boulevard, Jefferson City, Missouri 65109. The current mailing address is 630 Bolivar Street, Suite 204, Jefferson City, Missouri 65101.

References to be changed are found in 20 CSR 400-5.600, Appendix One (one appearance).

This change will appear in the September 30, 2023, update to the *Code of State Regulations*.

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 camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS
AGAINST DONALD R. ELBEL, JR., P.C.**

On July 17, 2023, Donald R. Elbel, Jr., P.C., a Missouri professional corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on July 17, 2023. Said Corporation requests that all persons and organizations who have claims against it present them immediately by letter to the Corporation at:

Spencer Fane LLP
David N. Zimmerman
6201 College Blvd., Ste. 500
Overland Park, KS 66211

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred. All claims against said Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of this notice, or the publication date of any other notice required by law, whichever is later.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND
CLAIMANTS AGAINST LEMANS FUN KARTS, INC.**

On July 17, 2023, LeMans Fun Karts, Inc. a Missouri corporation, (the "Company"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State, with an effective date of July 17, 2023. All persons and organizations who have claims against the Company should mail such claims by letter to:

Danna McKittrick, P.C.,
7701 Forsyth Blvd., Suite 1200,
St. Louis, MO 63105,
attention Cheryl Beebe-Snell, Esq.,

All claims must include: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; 5) documentation of claim; and 6) if the claim is secured, and if so, the collateral used as security.

NOTICE: all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two years after the date of publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND
CLAIMANTS AGAINST JONES FAMILY LAND & CATTLE, LLC**

On July 19, 2023, Jones Family Land & Cattle, 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 Thomas D. Peebles, Jr., Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) 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 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 TO ALL CREDITORS AND CLAIMANTS AGAINST
WALKER-WALKER FAMILY LIMITED PARTNERSHIP**

Walker-Walker Family Limited Partnership, a Missouri limited partnership, is winding up and will file its Cancellation of Registration of Limited Partnership with the Missouri Secretary of State, promptly after the publication of this notice.

All claims against Walker-Walker Family Limited Partnership must be mailed to Randell Wallace at 300 S. John Q. Hammons Parkway, Suite 800, Springfield, Missouri 65806. Each claim must include the name, phone number, and address of the claimant; the amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim is based occurred; and any documentation related to the claim. Any and all claims against Walker-Walker Family Limited Partnership 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 OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
FREEDOM DESIGN & BUILD, LLC**

On July 25, 2023, Freedom Design & Build, LLC, a Missouri Limited Liability Company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The effective date of said Notice was July 24, 2023.

Freedom Design & Build, LLC, hereby requests that all persons and organizations with claims against it present them immediately by letter to: Freedom Design & Build, LLC, c/o Gregory E. Robinson, P.C., 1422 Elbridge Payne, Suite 170, Chesterfield, Missouri 63017.

All claims must include: (i) the name, address, and telephone number of the claimant; (ii) the amount claimed; (iii) the basis for the claim; (iv) the date(s) on which the event(s) on which the claim is based occurred; and (v) any documentation in support of the claim.

NOTICE: Because of the dissolution of Freedom Design & Build, LLC, any and all claims against the Limited Liability Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by RSMo 347.141, whichever is published last.

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST
VISSER INVESTMENTS, LLC (F/K/A FISCHER INVESTMENTS, LLC)**

On June 26, 2023, Visser Investments, LLC (f/k/a Fischer Investments, LLC), a Missouri limited liability company, Charter Number LC0937886 (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the filing date.

All persons or organizations having claims against the Company are required to present them immediately in writing to: Kirkland Woods & Martinsen LLP, Attn: Shane C. Rader, 3250 E. Sunshine St., Suite 310, Springfield, MO 65804.

Each claim must include: (1) claimant's name and current address; (2) the amount claimed; (3) the date the claim was incurred; and (4) a clear and concise statement of the facts supporting the claim.

NOTE: 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 TO ALL CREDITORS OF AND CLAIMANTS AGAINST
PRINSEN LIVESTOCK, LLC (F/K/A PRINSEN RENTALS, LLC)**

On June 26, 2023, Prinsen Livestock, LLC (f/k/a Prinsen Rentals, LLC), a Missouri limited liability company, Charter Number LC0937882 (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the filing date.

All persons or organizations having claims against the Company are required to present them immediately in writing to: Kirkland Woods & Martinsen LLP, Attn: Shane C. Rader, 3250 E. Sunshine St., Suite 310, Springfield, MO 65804.

Each claim must include: (1) claimant's name and current address; (2) the amount claimed; (3) the date the claim was incurred; and (4) a clear and concise statement of the facts supporting the claim.

NOTE: 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 JG IMPRINTERS LLC**

On July 26, 2023, JG Imprinters LLC, a Missouri limited liability company ("Company"), filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

All persons with claims against the Company must mail claims to: Phillip S. Lupton, PO Box 7061, Kansas City, Missouri 64113. Each claim must include the name, address, and telephone number of the claimant; the amount of the claim; the basis for the claim; and the documentation of the claim.

All claims against the company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST 7 STAR VENTURES LLC**

On 07/20/2023, 7 Star Ventures filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The dissolution was effective on 07/20/2023. You are hereby notified that if you believe you have a claim against said Company, you must submit a summary in writing of the circumstances surrounding your claim to the Company at 7 Star Ventures LLC, c/o M.A. Nigro and Associates, 221 East Gregory Boulevard, Suite D, Kansas City, Missouri 64114.

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 claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against said Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST
SUBWAY DEVELOPMENT CORPORATION OF EASTERN MISSOURI, INC.**

Subway Development Corporation of Eastern Missouri, Inc., a Missouri corporation (the "Company"), filed its Articles of Dissolution with the Missouri Secretary of State effective as of July 31, 2023. The Company requests that all persons and organizations who have claims against the Company present them immediately by letter to Adam W. Randle, Esq., c/o Polsinelli PC, 100 S. Fourth Street, Suite 1000, St. Louis, MO, 63102. All claims must include the name and address of the claimant, the amount claimed, the basis for and a description of the claim, and include copies of any supporting documentation. Any and all claims against the Company will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
VERANO MO, LLC**

On July 31, 2023, Verano MO, LLC, a Missouri limited liability company (the "Company") filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on the filing date.

All claims against the Company must be submitted in writing to: Verano Holdings, LLC, 415 N. Dearborn Street, 4th Floor, Chicago, Illinois 60654. Each claim must include the following information: (a) claimant's name, address and telephone number; 2) the amount of the claim; 3) the date(s) the claim arose; 4) the basis for the claim; and (5) documentation in support of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date the Notice of Winding Up is filed or published, whichever is later.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
VMO PROCESSING, LLC**

On July 31, 2023, VMO Processing, LLC, a Missouri limited liability company (the "Company") filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on the filing date.

All claims against the Company must be submitted in writing to: Verano Holdings, LLC, 415 N. Dearborn Street, 4th Floor, Chicago, Illinois 60654. Each claim must include the following information: (a) claimant's name, address and telephone number; 2) the amount of the claim; 3) the date(s) the claim arose; 4) the basis for the claim; and (5) documentation in support of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date the Notice of Winding Up is filed or published, whichever is later.

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 – 47 (2022) and 48 (2023). 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
1 CSR 10-8.010	Commissioner of Administration		48 MoReg 557	48 MoReg 1552	
1 CSR 10-11.010	Commissioner of Administration	48 MoReg 789	48 MoReg 796	48 MoReg 1552	
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		48 MoReg 558	48 MoReg 1552	
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		48 MoReg 558	48 MoReg 1552	
1 CSR 35-2.060	Division of Facilities Management		48 MoReg 691	48 MoReg 1451	
1 CSR 60-1.010	Registration for Prescription Drug Monitoring Program		48 MoReg 559	48 MoReg 1310	
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-1.010	Animal Health		This Issue		
2 CSR 30-1.020	Animal Health		48 MoReg 560	48 MoReg 1451	
2 CSR 30-2.004	Animal Health		48 MoReg 987		
2 CSR 30-2.010	Animal Health		48 MoReg 989		
2 CSR 30-2.020	Animal Health		48 MoReg 995		
2 CSR 30-2.040	Animal Health		48 MoReg 1000		
2 CSR 30-9.100	Animal Health		48 MoReg 1180R		
2 CSR 30-9.110	Animal Health		48 MoReg 1180R		
2 CSR 90	Propane Safety Commission Annual Budget				48 MoReg 1461
2 CSR 90-20.040	Weights, Measures and Consumer Protection		48 MoReg 1009		
2 CSR 90-21.010	Weights, Measures and Consumer Protection		48 MoReg 41	48 MoReg 959	
2 CSR 90-22.140	Weights, Measures and Consumer Protection		48 MoReg 1009		
2 CSR 90-23.010	Weights, Measures and Consumer Protection		48 MoReg 1009		
2 CSR 90-25.010	Weights, Measures and Consumer Protection		48 MoReg 1010		
2 CSR 100-12.010	Missouri Agricultural and Small Business Development Authority		48 MoReg 912	48 MoReg 1553	
2 CSR 100-13.010	Missouri Agricultural and Small Business Development Authority		48 MoReg 915	48 MoReg 1553	
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.111	Conservation Commission		48 MoReg 566	48 MoReg 1310	
3 CSR 10-5.215	Conservation Commission		48 MoReg 1180		
3 CSR 10-5.250	Conservation Commission		48 MoReg 1183		
3 CSR 10-5.300	Conservation Commission		48 MoReg 1185		
3 CSR 10-5.310	Conservation Commission		48 MoReg 1187		
3 CSR 10-5.315	Conservation Commission		48 MoReg 1189		
3 CSR 10-5.320	Conservation Commission		48 MoReg 1191		
3 CSR 10-5.324	Conservation Commission		48 MoReg 1193		
3 CSR 10-5.330	Conservation Commission		48 MoReg 1193		
3 CSR 10-5.331	Conservation Commission		48 MoReg 1195		
3 CSR 10-5.340	Conservation Commission		48 MoReg 1195		
3 CSR 10-5.345	Conservation Commission		48 MoReg 1197		
3 CSR 10-5.351	Conservation Commission		48 MoReg 1199		
3 CSR 10-5.352	Conservation Commission		48 MoReg 1201		
3 CSR 10-5.359	Conservation Commission		48 MoReg 1203		
3 CSR 10-5.360	Conservation Commission		48 MoReg 1205		
3 CSR 10-5.365	Conservation Commission		48 MoReg 1207		
3 CSR 10-5.370	Conservation Commission		48 MoReg 1209		
3 CSR 10-5.425	Conservation Commission		48 MoReg 1211		
3 CSR 10-5.430	Conservation Commission		48 MoReg 1213		
3 CSR 10-5.435	Conservation Commission		48 MoReg 1215		
3 CSR 10-5.436	Conservation Commission		48 MoReg 1217		
3 CSR 10-5.440	Conservation Commission		48 MoReg 1219		
3 CSR 10-5.445	Conservation Commission		48 MoReg 1221		
3 CSR 10-5.460	Conservation Commission		48 MoReg 1223		
3 CSR 10-5.465	Conservation Commission		48 MoReg 1223		
3 CSR 10-5.540	Conservation Commission		48 MoReg 1225		
3 CSR 10-5.545	Conservation Commission		48 MoReg 1227		
3 CSR 10-5.551	Conservation Commission		48 MoReg 1229		
3 CSR 10-5.552	Conservation Commission		48 MoReg 1231		
3 CSR 10-5.554	Conservation Commission		48 MoReg 1233		
3 CSR 10-5.559	Conservation Commission		48 MoReg 1235		
3 CSR 10-5.560	Conservation Commission		48 MoReg 1235		
3 CSR 10-5.565	Conservation Commission		48 MoReg 1237		
3 CSR 10-5.567	Conservation Commission		48 MoReg 1239		
3 CSR 10-5.570	Conservation Commission		48 MoReg 1241		
3 CSR 10-5.576	Conservation Commission		48 MoReg 1243		
3 CSR 10-5.579	Conservation Commission		48 MoReg 1245		
3 CSR 10-5.580	Conservation Commission		48 MoReg 1247		
3 CSR 10-5.600	Conservation Commission		48 MoReg 1249		
3 CSR 10-5.605	Conservation Commission		48 MoReg 1249		
3 CSR 10-6.405	Conservation Commission		48 MoReg 1249		
3 CSR 10-6.535	Conservation Commission		48 MoReg 1250		
3 CSR 10-7.433	Conservation Commission				48 MoReg 1310

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
3 CSR 10-7.434	Conservation Commission			48 MoReg 1311	
3 CSR 10-7.435	Conservation Commission			48 MoReg 1311	
3 CSR 10-7.437	Conservation Commission			48 MoReg 1312	
3 CSR 10-7.700	Conservation Commission		48 MoReg 919	48 MoReg 1553	
3 CSR 10-7.900	Conservation Commission		48 MoReg 919	48 MoReg 1554	
3 CSR 10-9.240	Conservation Commission		48 MoReg 566	48 MoReg 1312	
3 CSR 10-9.350	Conservation Commission		48 MoReg 1250		
3 CSR 10-9.351	Conservation Commission		48 MoReg 1252		
3 CSR 10-9.352	Conservation Commission		48 MoReg 1252		
3 CSR 10-9.370	Conservation Commission		48 MoReg 1252		
3 CSR 10-9.420	Conservation Commission		48 MoReg 1253		
3 CSR 10-9.425	Conservation Commission		48 MoReg 1253		
3 CSR 10-9.440	Conservation Commission		48 MoReg 1255		
3 CSR 10-9.560	Conservation Commission		48 MoReg 1255		
3 CSR 10-9.565	Conservation Commission		48 MoReg 1257		
3 CSR 10-9.570	Conservation Commission		48 MoReg 1259		
3 CSR 10-9.575	Conservation Commission		48 MoReg 1260		
3 CSR 10-9.625	Conservation Commission		48 MoReg 1260		
3 CSR 10-9.627	Conservation Commission		48 MoReg 1263		
3 CSR 10-9.640	Conservation Commission		48 MoReg 1265		
3 CSR 10-10.707	Conservation Commission		48 MoReg 1265		
3 CSR 10-10.708	Conservation Commission		48 MoReg 1267		
3 CSR 10-10.720	Conservation Commission		48 MoReg 1269		
3 CSR 10-10.722	Conservation Commission		48 MoReg 1272		
3 CSR 10-10.724	Conservation Commission		48 MoReg 1272		
3 CSR 10-10.728	Conservation Commission		48 MoReg 1272		
3 CSR 10-10.732	Conservation Commission		48 MoReg 1273		
3 CSR 10-10.744	Conservation Commission		48 MoReg 1273		
3 CSR 10-10.767	Conservation Commission		48 MoReg 1275		
3 CSR 10-10.788	Conservation Commission		48 MoReg 1277		
3 CSR 10-11.130	Conservation Commission				48 MoReg 1572
3 CSR 10-11.180	Conservation Commission		48 MoReg 566	48 MoReg 1312	
3 CSR 10-12.110	Conservation Commission		48 MoReg 570	48 MoReg 1312	
3 CSR 10-12.115	Conservation Commission		48 MoReg 570	48 MoReg 1313	
3 CSR 10-12.135	Conservation Commission		48 MoReg 571	48 MoReg 1313	
3 CSR 10-12.140	Conservation Commission		48 MoReg 571	48 MoReg 1313	
3 CSR 10-12.150	Conservation Commission		48 MoReg 1277		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.010	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.020	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.030	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.040	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.050	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.060	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.070	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.080	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.090	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.100	Division of Business and Community Solutions		This Issue		
4 CSR 85-5.110	Division of Business and Community Solutions		This Issue		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.105	Division of Learning Service		48 MoReg 1364R		
5 CSR 20-100.130	Division of Learning Services		48 MoReg 574	48 MoReg 1451	
5 CSR 20-100.185	Division of Learning Service		48 MoReg 1364		
5 CSR 20-100.230	Division of Learning Services		48 MoReg 307	48 MoReg	
5 CSR 20-100.255	Division of Learning Services		48 MoReg 1367R		
5 CSR 20-200.275	Division of Learning Services		48 MoReg 955		
5 CSR 20-400.440	Division of Learning Services		48 MoReg 574	48 MoReg 1451	
5 CSR 20-400.510	Division of Learning Services		48 MoReg 574	48 MoReg 1455	
5 CSR 20-400.520	Division of Learning Services		48 MoReg 578	48 MoReg 1455	
5 CSR 20-400.530	Division of Learning Services		48 MoReg 581	48 MoReg 1455	
5 CSR 20-400.540	Division of Learning Services		48 MoReg 584	48 MoReg 1456	
5 CSR 20-400.560	Division of Learning Services		48 MoReg 587	48 MoReg 1456	
5 CSR 20-500.210	Division of Learning Services		48 MoReg 1367		
5 CSR 20-500.220	Division of Learning Services		48 MoReg 1372		
5 CSR 20-500.230	Division of Learning Services		48 MoReg 590	48 MoReg 1554	
5 CSR 20-500.240	Division of Learning Services		48 MoReg 1372		
5 CSR 20-500.300	Division of Learning Services		48 MoReg 435	48 MoReg 1313	
5 CSR 20-500.350	Division of Learning Services		48 MoReg 435	48 MoReg 1313	
5 CSR 20-500.360	Division of Learning Services		48 MoReg 436	48 MoReg 1314	
5 CSR 25-100.120	Office of Childhood		48 MoReg 1277		
5 CSR 25-500.010	Office of Childhood		48 MoReg 1373		
5 CSR 25-500.102	Office of Childhood		48 MoReg 1374		
5 CSR 25-500.112	Office of Childhood		48 MoReg 1375		
5 CSR 25-500.182	Office of Childhood		48 MoReg 1379		
5 CSR 30-261.045	Division of Financial and Administrative Services		48 MoReg 201	48 MoReg 1314	
DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT					
6 CSR 10-2.080	Commissioner of Higher Education		48 MoReg 1010		
6 CSR 10-2.195	Commissioner of Higher Education		48 MoReg 595R	48 MoReg 1314R	
			48 MoReg 595	48 MoReg 1314	
6 CSR 10-2.210	Commissioner of Higher Education		48 MoReg 596R	48 MoReg 1314R	
			48 MoReg 597	48 MoReg 1315	
6 CSR 10-9.020	Commissioner of Higher Education		48 MoReg 955		

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
6 CSR 250-3.010	University of Missouri		48 MoReg 729R	48 MoReg 1456R	
6 CSR 250-3.020	University of Missouri		48 MoReg 729R	48 MoReg 1456R	
6 CSR 250-4.010	University of Missouri		48 MoReg 729R	48 MoReg 1457R	
6 CSR 250-4.020	University of Missouri		48 MoReg 730R	48 MoReg 1457R	
6 CSR 250-4.030	University of Missouri		48 MoReg 730R	48 MoReg 1457R	
6 CSR 250-5.010	University of Missouri		48 MoReg 730R	48 MoReg 1457R	
6 CSR 250-5.020	University of Missouri		48 MoReg 730R	48 MoReg 1457R	
6 CSR 250-6.010	University of Missouri		48 MoReg 731R	48 MoReg 1457R	
6 CSR 250-6.020	University of Missouri		48 MoReg 731R	48 MoReg 1458R	
6 CSR 250-6.030	University of Missouri		48 MoReg 731R	48 MoReg 1458R	
6 CSR 250-6.040	University of Missouri		48 MoReg 731R	48 MoReg 1458R	
6 CSR 250-7.010	University of Missouri		48 MoReg 1013R	This IssueR	
6 CSR 250-7.020	University of Missouri		48 MoReg 1013R	This IssueR	
6 CSR 250-7.030	University of Missouri		48 MoReg 1013R	This IssueR	
6 CSR 250-7.040	University of Missouri		48 MoReg 1014R	This IssueR	

MISSOURI DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF MENTAL HEALTH

DEPARTMENT OF MENTAL HEALTH

9 CSR 10-7.035	Director, Department of Mental Health		48 MoReg 1380		
9 CSR 10-7.130	Director, Department of Mental Health		48 MoReg 919	This Issue	
9 CSR 30-3.134	Certification Standards		48 MoReg 1424		
9 CSR 30-3.201	Certification Standards		48 MoReg 1424		
9 CSR 30-3.206	Certification Standards		48 MoReg 1425		
9 CSR 30-6.010	Certification Standards		48 MoReg 1382		
9 CSR 30-7.020	Certification Standards		48 MoReg 798	48 MoReg 1554	
9 CSR 45-5.060	Division of Developmental Disabilities		48 MoReg 1426R		
			48 MoReg 1426		

DEPARTMENT OF NATURAL RESOURCES

10 CSR 10-6.161	Director's Office		48 MoReg 1430		
10 CSR 10-6.200	Director's Office		48 MoReg 1431		
10 CSR 20-7.015	Clean Water Commission		48 MoReg 692		
10 CSR 140-2	Division of Energy				48 MoReg 1320

DEPARTMENT OF PUBLIC SAFETY

11 CSR 30-1.010	Office of the Director		48 MoReg 201		
11 CSR 30-8.010	Office of the Director		48 MoReg 202R		
11 CSR 30-8.020	Office of the Director		48 MoReg 202R		
11 CSR 30-8.030	Office of the Director		48 MoReg 202R		
11 CSR 30-8.040	Office of the Director		48 MoReg 202R		
11 CSR 30-9.010	Office of the Director		48 MoReg 203R		
11 CSR 30-9.020	Office of the Director		48 MoReg 203R		
11 CSR 30-9.030	Office of the Director		48 MoReg 203R		
11 CSR 30-9.040	Office of the Director		48 MoReg 203R		
11 CSR 30-9.050	Office of the Director		48 MoReg 204R		
11 CSR 45-5.050	Missouri Gaming Commission		48 MoReg 1432		
11 CSR 45-5.053	Missouri Gaming Commission		48 MoReg 1432		
11 CSR 45-5.056	Missouri Gaming Commission		48 MoReg 1433		
11 CSR 45-5.060	Missouri Gaming Commission		48 MoReg 1435		
11 CSR 45-5.070	Missouri Gaming Commission		48 MoReg 1435		
11 CSR 45-5.110	Missouri Gaming Commission		48 MoReg 1435		
11 CSR 45-5.120	Missouri Gaming Commission		48 MoReg 1436		
11 CSR 45-5.130	Missouri Gaming Commission		48 MoReg 1437		
11 CSR 45-5.160	Missouri Gaming Commission		48 MoReg 1437		
11 CSR 45-5.180	Missouri Gaming Commission		48 MoReg 1438		
11 CSR 45-5.190	Missouri Gaming Commission		48 MoReg 1438		
11 CSR 45-5.210	Missouri Gaming Commission		48 MoReg 1438		
11 CSR 45-5.220	Missouri Gaming Commission		48 MoReg 1439		
11 CSR 45-5.230	Missouri Gaming Commission		48 MoReg 1439		
11 CSR 45-5.240	Missouri Gaming Commission		48 MoReg 1440		
11 CSR 45-5.270	Missouri Gaming Commission		48 MoReg 1440		
11 CSR 45-5.290	Missouri Gaming Commission		48 MoReg 1441		
11 CSR 45-10.150	Missouri Gaming Commission		48 MoReg 956R		
11 CSR 85-1.030	Veterans Affairs		48 MoReg 732	48 MoReg 1458	
11 CSR 90-2.010	Missouri 911 Service Board	48 MoReg 1535	48 MoReg 1536		

DEPARTMENT OF REVENUE

12 CSR 10-1.010	Director of Revenue		48 MoReg 802	This Issue	
12 CSR 10-2.010	Director of Revenue		48 MoReg 1536		
12 CSR 10-2.017	Director of Revenue		48 MoReg 1537		
12 CSR 10-2.019	Director of Revenue		48 MoReg 920R		
12 CSR 10-2.052	Director of Revenue		48 MoReg 1540R		
12 CSR 10-2.080	Director of Revenue		48 MoReg 1540		
12 CSR 10-2.105	Director of Revenue		48 MoReg 1014		
12 CSR 10-2.140	Director of Revenue		48 MoReg 1015		
12 CSR 10-2.200	Director of Revenue		48 MoReg 1540R		
12 CSR 10-2.205	Director of Revenue		48 MoReg 1540R		
12 CSR 10-2.210	Director of Revenue		48 MoReg 1541R		
12 CSR 10-2.720	Director of Revenue		48 MoReg 1541R		
12 CSR 10-2.725	Director of Revenue		48 MoReg 438	48 MoReg 1315	
12 CSR 10-3.050	Director of Revenue <i>moved to 12 CSR 10-103.050</i>				48 MoReg 1461

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
12 CSR 10-3.404	Director of Revenue <i>moved to 12 CSR 10-110.404</i>				48 MoReg 1461
12 CSR 10-3.554	Director of Revenue <i>moved to 12 CSR 10-102.554</i>				48 MoReg 1461
12 CSR 10-3.846	Director of Revenue <i>moved to 12 CSR 110-10.846</i>				48 MoReg 1461
12 CSR 10-4.015	Director of Revenue		This IssueR		
12 CSR 10-4.100	Director of Revenue		This IssueR		
12 CSR 10-4.160	Director of Revenue <i>moved to 12 CSR 10-102.160</i>				48 MoReg 1461
12 CSR 10-4.170	Director of Revenue <i>moved to 12 CSR 10-103.170</i>		This Issue		
12 CSR 10-4.180	Director of Revenue <i>moved to 12 CSR 10-103.180</i>				48 MoReg 1461
12 CSR 10-4.185	Director of Revenue <i>moved to 12 CSR 10-103.185</i>				48 MoReg 1461
12 CSR 10-4.310	Director of Revenue <i>moved to 12 CSR 10-103.310</i>				48 MoReg 1461
12 CSR 10-4.600	Director of Revenue <i>moved to 12 CSR 10-103.630</i>				48 MoReg 1461
12 CSR 10-4.610	Director of Revenue <i>moved to 12 CSR 10-103.640</i>				48 MoReg 1461
12 CSR 10-4.622	Director of Revenue		This IssueR		
12 CSR 10-6.020	Director of Revenue		48 MoReg 1541		
12 CSR 10-6.030	Director of Revenue		48 MoReg 1015		
12 CSR 10-6.100	Director of Revenue		48 MoReg 1542		
12 CSR 10-7.190	Director of Revenue		This IssueR		
12 CSR 10-7.300	Director of Revenue		This IssueR		
12 CSR 10-7.320	Director of Revenue		This Issue		
12 CSR 10-9.140	Director of Revenue		48 MoReg 1278R		
12 CSR 10-9.150	Director of Revenue		48 MoReg 1278R		
12 CSR 10-9.160	Director of Revenue		48 MoReg 1278R		
12 CSR 10-9.170	Director of Revenue		48 MoReg 1278R		
12 CSR 10-9.180	Director of Revenue		48 MoReg 1279R		
12 CSR 10-9.200	Director of Revenue		48 MoReg 1279R		
12 CSR 10-9.280	Director of Revenue		48 MoReg 1279R		
12 CSR 10-9.290	Director of Revenue		48 MoReg 1280R		
12 CSR 10-10.020	Director of Revenue		This Issue		
12 CSR 10-10.030	Director of Revenue		This IssueR		
12 CSR 10-10.100	Director of Revenue		48 MoReg 1280R		
12 CSR 10-10.125	Director of Revenue		48 MoReg 1280R		
12 CSR 10-10.140	Director of Revenue		This IssueR		
12 CSR 10-10.160	Director of Revenue		This IssueR		
12 CSR 10-10.175	Director of Revenue		This IssueR		
12 CSR 10-10.180	Director of Revenue		This IssueR		
12 CSR 10-16.120	Director of Revenue		48 MoReg 1543		
12 CSR 10-16.170	Director of Revenue		48 MoReg 920		
12 CSR 10-23.160	Director of Revenue		48 MoReg 1019		
12 CSR 10-23.185	Director of Revenue		48 MoReg 1280		
12 CSR 10-23.260	Director of Revenue		48 MoReg 1543		
12 CSR 10-23.295	Director of Revenue		48 MoReg 1544		
12 CSR 10-23.310	Director of Revenue		48 MoReg 1544		
12 CSR 10-24.030	Director of Revenue		48 MoReg 439	48 MoReg 1315	
12 CSR 10-24.330	Director of Revenue		48 MoReg 1544		
12 CSR 10-26.230	Director of Revenue		48 MoReg 440	48 MoReg 1315	
12 CSR 10-26.231	Director of Revenue	48 MoReg 353	48 MoReg 441	48 MoReg 1315	
12 CSR 10-39.010	Director of Revenue		This IssueR		
12 CSR 10-42.050	Director of Revenue		48 MoReg 802	This Issue	
12 CSR 10-43.020	Director of Revenue		48 MoReg 441	48 MoReg 1316	
12 CSR 10-43.030	Director of Revenue		48 MoReg 442	48 MoReg 1316	
12 CSR 10-102.160	Director of Revenue <i>formerly 12 CSR 10-4.160</i>				48 MoReg 1461
12 CSR 10-102.554	Director of Revenue <i>formerly 12 CSR 10-3.554</i>				48 MoReg 1461
12 CSR 10-103.050	Director of Revenue <i>formerly 12 CSR 10-3.050</i>				48 MoReg 1461
12 CSR 103.170	Director of Revenue <i>formerly 12 CSR 10-4.170</i>		This Issue		
12 CSR 10-103.180	Director of Revenue <i>formerly 12 CSR 10-4.180</i>				48 MoReg 1461
12 CSR 10-103.185	Director of Revenue <i>formerly 12 CSR 10-4.185</i>				48 MoReg 1461
12 CSR 10-103.310	Director of Revenue <i>formerly 12 CSR 10-4.310</i>				48 MoReg 1461
12 CSR 10-103.555	Director of Revenue		This Issue		
12 CSR 10-103.630	Director of Revenue <i>formerly 12 CSR 10-4.600</i>				48 MoReg 1461
12 CSR 10-103.640	Director of Revenue <i>formerly 12 CSR 10-4.610</i>				48 MoReg 1461
12 CSR 10-107.100	Director of Revenue		This Issue		
12 CSR 10-108.600	Director of Revenue		48 MoReg 1545		
12 CSR 10-110.201	Director of Revenue		This IssueR		
12 CSR 10-110.404	Director of Revenue <i>formerly 12 CSR 10-3.404</i>				48 MoReg 1461

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
12 CSR 10-110.846	Director of Revenue <i>formerly 12 CSR 10-3.846</i>				48 MoReg 1461
12 CSR 10-111.010	Director of Revenue		This Issue		
12 CSR 10-112.020	Director of Revenue		48 MoReg 1019		
12 CSR 10-112.300	Director of Revenue		48 MoReg 1545		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-71.015	Children's Division	48 MoReg 1149	48 MoReg 1281		
13 CSR 35-71.095	Children's Division		48 MoReg 315	48 MoReg 1316	
13 CSR 70-3.180	MO HealthNet Division		This Issue		
13 CSR 70-3.200	MO HealthNet Division	48 MoReg 555	48 MoReg 600	48 MoReg 1316	
13 CSR 70-4.120	MO HealthNet Division		48 MoReg 921		
13 CSR 70-10.020	MO HealthNet Division	48 MoReg 1150	48 MoReg 1282		
13 CSR 70-10.030	MO HealthNet Division	48 MoReg 791	48 MoReg 804	This Issue	
13 CSR 70-15.070	MO HealthNet Division		48 MoReg 1306		
13 CSR 70-15.110	MO HealthNet Division	48 MoReg 1349	48 MoReg 1441		
13 CSR 70-15.160	MO HealthNet Division	48 MoReg 1357	48 MoReg 1546		
13 CSR 70-20.320	MO HealthNet Division		48 MoReg 734	This Issue	
13 CSR 70-70.010	MO HealthNet Division		48 MoReg 734		
13 CSR 70-91.010	MO HealthNet Division		48 MoReg 601	48 MoReg 1396	
ELECTED OFFICIALS					
15 CSR	Notice of Periodic Review				48 MoReg 1322
15 CSR 40-2.031	State Auditor		48 MoReg 1387		
15 CSR 40-3.030	State Auditor		48 MoReg 1306		
15 CSR 50-3.095	Treasurer		48 MoReg 1449		
15 CSR 60-17.010	Attorney General	48 MoReg 905 48 MoReg 1177T			
RETIREMENT SYSTEMS					
16 CSR	Notice of Periodic Review				48 MoReg 1322
BOARDS OF POLICE COMMISSIONERS					
17 CSR	Notice of Periodic Review				48 MoReg 1322
PUBLIC DEFENDER COMMISSION					
18 CSR	Notice of Periodic Review				48 MoReg 1322
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR	Notice of Periodic Review				48 MoReg 1322
19 CSR 10-3.040	Office of the Director		This Issue		
19 CSR 10-10.110	Office of the Director		48 MoReg 735	48 MoReg 1458	
19 CSR 15-7.005	Division of Senior and Disability Services		48 MoReg 608	48 MoReg 1397	
19 CSR 15-7.010	Division of Senior and Disability Services		48 MoReg 609	48 MoReg 1397	
19 CSR 15-7.021	Division of Senior and Disability Services		48 MoReg 611	48 MoReg 1397	
19 CSR 20-70.010	Division of Community and Public Health		48 MoReg 1387		
19 CSR 30-20.125	Division of Regulation and Licensure	48 MoReg 1177	48 MoReg 1307		
19 CSR 30-105.010	Division of Regulation and Licensure		48 MoReg 618	48 MoReg 1553	
19 CSR 30-105.020	Division of Regulation and Licensure		48 MoReg 619	48 MoReg 1556	
19 CSR 30-105.030	Division of Regulation and Licensure		48 MoReg 623	48 MoReg 1556	
19 CSR 30-105.040	Division of Regulation and Licensure		48 MoReg 636	48 MoReg 1565	
19 CSR 30-105.050	Division of Regulation and Licensure		48 MoReg 641	48 MoReg 1567	
19 CSR 30-105.060	Division of Regulation and Licensure		48 MoReg 645	48 MoReg 1568	
19 CSR 30-105.070	Division of Regulation and Licensure		48 MoReg 645	48 MoReg 1569	
19 CSR 50-3.020	Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services		48 MoReg 446R	48 MoReg 1316R	
19 CSR 50-3.030	Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services		48 MoReg 447	48 MoReg 1317	
19 CSR 50-3.040	Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services		48 MoReg 448	48 MoReg 1317	
19 CSR 60-50	Missouri Health Facilities Review Committee				48 MoReg 1320 48 MoReg 1399 48 MoReg 1461
19 CSR 73-2.025	Missouri Board of Nursing Home Administrators		48 MoReg 956		
19 CSR 73-2.080	Missouri Board of Nursing Home Administrators		48 MoReg 957		
DEPARTMENT OF COMMERCE AND INSURANCE					
20 CSR	Applied Behavior Analysis Maximum Benefit				48 MoReg 529
20 CSR	Construction Claims Binding Arbitration Cap				48 MoReg 529
20 CSR	Non-Economic Damages in Medical Malpractice Cap				48 MoReg 326
20 CSR	Sovereign Immunity Limits				47 MoReg 1801
20 CSR	State Legal Expense Fund Cap				48 MoReg 529
20 CSR 400-5.600	Life, Annuities and Health			This Issue	
20 CSR 500-1.100	Property and Casualty		48 MoReg 522	48 MoReg 1459	
20 CSR 2010-2.140	Missouri State Board of Accountancy		48 MoReg 1308R 48 MoReg 1308		
20 CSR 2110-2.030	Missouri Dental Board		48 MoReg 702R	48 MoReg 1397R	
20 CSR 2110-2.070	Missouri Dental Board		48 MoReg 702R	48 MoReg 1398R	
20 CSR 2110-2.075	Missouri Dental Board		48 MoReg 702R	48 MoReg 1398R	
20 CSR 2115-2.040	State Committee of Dietitians		48 MoReg 317	48 MoReg 964	
20 CSR 2200-2.010	State Board of Nursing		48 MoReg 810	48 MoReg 1569	
20 CSR 2200-3.010	State Board of Nursing		48 MoReg 810	48 MoReg 1569	
20 CSR 2200-6.030	State Board of Nursing		48 MoReg 811	48 MoReg 1570	
20 CSR 2200-6.040	State Board of Nursing		48 MoReg 811	48 MoReg 1570	

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
20 CSR 2200-6.060	State Board of Nursing		48 MoReg 812	48 MoReg 1570	
20 CSR 2200-8.010	State Board of Nursing		48 MoReg 813	48 MoReg 1570	
20 CSR 2220-2.400	State Board of Pharmacy		48 MoReg 740	48 MoReg 1570	
20 CSR 2220-2.410	State Board of Pharmacy	48 MoReg 1421	48 MoReg 742	48 MoReg 1571	
20 CSR 2230-2.050	State Board of Podiatric Medicine		48 MoReg 702R	48 MoReg 1398R	
20 CSR 2230-2.055	State Board of Podiatric Medicine		48 MoReg 703R	48 MoReg 1398R	
20 CSR 2231-3.030	Division of Professional Registration		48 MoReg 1392		
20 CSR 2234-1.050	Board of Private Investigator and Private Fire Investigator Examiners		48 MoReg 1309		
20 CSR 2235-1.020	State Committee Psychologists		48 MoReg 922	This Issue	
20 CSR 2235-1.050	State Committee Psychologists		48 MoReg 924	This Issue	
20 CSR 2245-6.017	Real Estate Appraisers		48 MoReg 924		
20 CSR 2263-2.030	State Committee for Social Workers		48 MoReg 1449		
20 CSR 2263-2.050	State Committee for Social Workers		48 MoReg 1450		
20 CSR 2263-2.082	State Committee for Social Workers		48 MoReg 1450		
20 CSR 4240-13.075	Public Service Commission		48 MoReg 1025		
20 CSR 4240-18.010	Public Service Commission		48 MoReg 926		
20 CSR 4240-40.030	Public Service Commission		This Issue		

EMERGENCY RULE TABLE

AGENCY	PUBLICATION	EFFECTIVE	EXPIRATION
Office of Administration			
Commissioner of Administration			
1 CSR 10-11.010	State of Missouri Travel Regulations	48 MoReg 789	April 3, 2023. Jan. 10, 2024
Department of Public Safety			
Missouri 911 Service Board			
11 CSR 90-2.010	Definitions.	48 MoReg 1535	Aug. 28, 2023. Feb. 22, 2024
Department of Social Services			
Children's Division			
13 CSR 35-60.010	Family Homes Offering Foster Care	Next Issue.	Aug. 28, 2023. Feb. 23, 2024
13 CSR 35-60.040	Physical and Environmental Standards.	Next Issue.	Aug. 28, 2023. Feb. 23, 2024
13 CSR 35-60.050	Care of Children	Next Issue.	Aug. 28, 2023. Feb. 23, 2024
13 CSR 35-71.015	Background Checks for Personnel of Residential Care Facilities and Child Placing Agencies	48 MoReg 1149.	June 13, 2023. Dec. 9, 2023
13 CSR 35-71.020	Basic Residential Treatment for Children and Youth Core Requirements (Applicable To All Agencies) – Basis for Licensure and Licensing Procedures	Next Issue.	Aug. 28, 2023. Feb. 23, 2024
13 CSR 35-71.045	Personnel.	Next Issue.	Aug. 28, 2023. Feb. 23, 2024
13 CSR 35-71.070	Protection and Care of the Child	Next Issue.	Aug. 28, 2023. Feb. 23, 2024
MO HealthNet Division			
13 CSR 70-10.020	Prospective Reimbursement Plan for Nursing Facility and HIV Nursing Facility Services	48 MoReg 1150.	May 31, 2023. Nov. 26, 2023
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate- Operated Facilities for ICF/IID Services	48 MoReg 791.	March 30, 2023. Sept. 25, 2023
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	48 MoReg 1349	June 30, 2023. Dec. 26, 2023
13 CSR 70-15.160	Outpatient Hospital Services Reimbursement Methodology.	48 MoReg 1357.	June 30, 2023. Dec. 26, 2023
Department of Health and Senior Services			
Division of Regulation and Licensure			
19 CSR 30-20.125	Unlicensed Assistive Personnel Training Program	48 MoReg 1177.	June 6, 2023. Dec. 2, 2023
Department of Commerce and Insurance			
State Board of Registration for the Healing Arts			
20 CSR 2150-5.025	Administration of Vaccines	Next Issue.	Aug. 28, 2023. Feb. 23, 2024
State Board of Pharmacy			
20 CSR 2220-2.410	Class B Hospital Pharmacy Compounding for Drug Shortages.	48 MoReg 1421.	July 6, 2023. Jan. 1, 2024
20 CSR 2220-6.050	Administration of Vaccines	Next Issue.	Aug. 28, 2023. Feb. 23, 2024

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

ORDER	SUBJECT MATTER	FILED DATE	PUBLICATION
2023			
23-08	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe storm systems	August 5, 2023	Next Issue
23-07	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	July 28, 2023	This Issue
23-06	Rescinds Executive Order 17-20	June 29, 2023	48 MoReg 1423
23-05	Declares drought alerts for 60 Missouri counties in accordance with the Missouri Drought Mitigation and Response Plan	May 31, 2023	48 MoReg 1179
23-04	Designates members of the governor's staff as having supervisory authority over each department, division, or agency of state government	April 14, 2023	48 MoReg 911
23-03	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems	March 31, 2023	48 MoReg 795
23-02	Extends Executive Order 22-08, the State of Emergency, and waivers until February 28, 2023	January 24, 2023	48 MoReg 433
23-01	Orders the commencement of the Missourians Aging with Dignity Initiative, with directives to support all citizens as they age	January 19, 2023	48 MoReg 431
2022			
22-11	Extends Executive Order 22-08, the State of Emergency, and waivers until January 31, 2023	December 29, 2022	48 MoReg 193
22-10	Declares that the current State of Emergency shall permit certain vehicles be temporarily exempt from some hours of service requirements	December 21, 2022	48 MoReg 191
22-09	Declares a call and order into active service of the organized militia and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems	December 20, 2022	48 MoReg 189
22-08	Declares a State of Emergency and waives certain regulations to allow other registered entities to fill liquefied petroleum gas containers owned by Gygr-Gas	December 15, 2022	48 MoReg 117
22-07	Extends Executive Order 22-04 to address drought-response efforts until March 1, 2023	November 28, 2022	48 MoReg 39
22-06	Closes executive branch state offices for Friday, November 25, 2022	November 7, 2022	47 MoReg 1708
Proclamation	Convenes the One Hundred First General Assembly in the First Extraordinary Session of the Second Regular Session regarding extension of agricultural tax credits and to enact legislation amending Missouri income tax	August 22, 2022	47 MoReg 1420
22-05	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems	July 26, 2022	47 MoReg 1279
22-04	Declares a drought alert for 53 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee	July 21, 2022	47 MoReg 1277
Proclamation	In accordance with <i>Dobbs</i> , Section 188.017, RSMo, is hereby effective as of the date of this order	June 24, 2022	47 MoReg 1075
22-03	Terminates the State of Emergency declared in Executive Order 22-02	February 7, 2022	47 MoReg 411

ORDER	SUBJECT MATTER	FILED DATE	PUBLICATION
22-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems	February 1, 2022	47 MoReg 304
22-01	Establishes and Designates the Missouri Early Childhood State Advisory Council	January 7, 2022	47 MoReg 222

The rule number and the MoReg publication date follow each entry to this index.

ADMINISTRATION, OFFICE OF

direct deposit of payroll requirements; 1 CSR 10-8.010; 3/15/23, 8/15/23
grievance procedures; 1 CSR 20-4.020; 3/15/23, 8/15/23
leases of excess property to governmental and private entities; 1 CSR 35-2.060; 4/3/23, 8/1/23
registration for prescription drug monitoring program; 1 CSR 60-1.010; 3/15/23, 7/3/23
separation, suspension, and demotion; 1 CSR 20-3.070; 3/15/23, 8/15/23
state official's salary compensation schedule; 1 CSR 10; 10/3/22
state of Missouri travel regulations; 1 CSR 10-11.010; 5/1/23, 8/15/23

AGRICULTURE, DEPARTMENT OFanimal health

animal health requirements for exhibition; 2 CSR 30-2.040 6/15/23
definitions; 2 CSR 30-2.004 6/15/23
eurasian, russian, and captured feral swine facility act definitions; 2 CSR 30-9.100; 7/3/23
feral swine confinement permit and standards; 2 CSR 30-9.110; 7/3/23
general organization; 2 CSR 30-1.010; 9/1/23
health requirements governing the admission of livestock, poultry, *miscellaneous*, and exotic animals entering Missouri; 2 CSR 30-2.010 6/15/23
laboratory services and fees; 2 CSR 30-1.020; 3/15/23, 8/1/23
movement of livestock, poultry, *miscellaneous*, and exotic animals within Missouri; 2 CSR 30-2.020; 6/15/23
vesicular stomatitis restrictions on domestic and exotic ungulates (hoofed animals) entering Missouri; 2 CSR 30-2.005; 6/15/23

Missouri agricultural and small business development authority

description of operation, definitions, method of distribution, and repayment of tax credits; 2 CSR 100-12.010; 5/15/23, 8/15/23
description of operation, definitions, method of distribution, and reporting requirements; 2 CSR 100-13.010; 5/15/23, 8/15/23

state milk boardweights, measures and consumer protection

annual budget plan
NIST handbook 133, technical procedures and methods for measuring and inspecting packages or amounts of commodities; 2 CSR 90-23.010; 6/15/23
NIST handbook 130, "uniform packaging and labeling"; 2 CSR 90-22.140; 6/15/23
NIST handbook 130, "uniform regulation for the method of sale of commodities"; 2 CSR 90-20.040; 6/15/23
propane safety commission annual budget plan; 2 CSR 90; 8/1/23
price verification procedures; 2 CSR 90-25.010; 6/15/23

CONSERVATION, DEPARTMENT OF

apprentice hunter authorization; 3 CSR 10-5.300; 7/3/23
black bear hunting season: general provisions; 3 CSR 10-7.900; 5/15/23, 8/15/23
bullfrogs and green frogs; 3 CSR 10-12.115; 3/15/23, 7/3/23
class II wildlife; 3 CSR 10-9.240; 3/15/23, 7/3/23
class I wildlife breeder permit; 3 CSR 10-9.350; 7/3/23
class II wildlife breeder permit; 3 CSR 10-9.351; 7/3/23
class III wildlife breeder permit; 3 CSR 10-9.352; 7/3/23
commercial fishing permit; 3 CSR 10-10.720; 7/3/23
commercial game processing: permit, privileges, requirements; 3 CSR 10-10.744; 7/3/23
daily hunting or fishing tags; 3 CSR 10-5.250; 7/3/23
daily fishing permit; 3 CSR 10-5.440; 7/3/23
daily small game hunting permit; 3 CSR 10-5.445; 7/3/23
deer: antlerless deer hunting permit availability; 3 CSR 10-7.437; 7/3/23

deer: firearms hunting season; 3 CSR 10-7.433; 7/3/23
deer: landowner privileges; 3 CSR 10-7.434; 7/3/23
deer: special harvest provisions; 3 CSR 10-7.435; 7/3/23
dog training area permit; 3 CSR 10-9.627; 7/3/23
elk hunting seasons: general provisions; 3 CSR 10-7.700; 5/15/23, 8/15/23
endangered species; 3 CSR 10-4.111; 3/15/23, 7/3/23
field trial permit; 3 CSR 10-9.625; 7/3/23
fishing, daily and possession limits; 3 CSR 10-12.140; 3/15/23, 7/3/23
fishing, methods; 3 CSR 10-12.135; 3/15/23, 7/3/23
fishing, trout parks; 3 CSR 10-12.150; 7/3/23
general provisions; 3 CSR 10-6.405; 7/3/23
hound running area operator and dealer permit; 3 CSR 10-9.570; 7/3/23
hound running area: privileges, requirements; 3 CSR 10-9.575; 7/3/23
hunting, general provisions and seasons; 3 CSR 10-11.180; 3/15/23, 7/3/23
licensed hunting preserve hunting permit; 3 CSR 10-5.460; 7/3/23
licensed hunting preserve permit; 3 CSR 10-9.560; 7/3/23
licensed hunting preserve: privileges; 3 CSR 10-9.565; 7/3/23
licensed trout fishing area permit; 3 CSR 10-9.640; 7/3/23
migratory bird hunting permit; 3 CSR 10-5.435; 7/3/23
nonresident archer's hunting permit; 3 CSR 10-5.560; 7/3/23
nonresident archery antlerless deer hunting permit; 3 CSR 10-5.554; 7/3/23
nonresident conservation order permit; 3 CSR 10-5.567; 7/3/23
nonresident firearms antlerless deer hunting permit; 3 CSR 10-5.552; 7/3/23
nonresident firearms any-deer hunting permit; 3 CSR 10-5.551; 7/3/23
nonresident firearms deer management assistance program permit; 3 CSR 10-5.605; 7/3/23
nonresident fishing permit; 3 CSR 10-5.540; 7/3/23
nonresident furbearer hunting and trapping permit; 3 CSR 10-5.570; 7/3/23
nonresident fur dealer's permit; 3 CSR 10-10.708; 7/3/23
nonresident landowner archer's hunting permit; 3 CSR 10-5.580; 7/3/23
nonresident landowner firearms any-deer hunting permit; 3 CSR 10-5.576; 7/3/23
nonresident landowner firearms turkey hunting permits; 3 CSR 10-5.579; 7/3/23
nonresident managed deer hunting permit; 3 CSR 10-5.559; 7/3/23
nonresident Mississippi river roe fish commercial harvest permit; 3 CSR 10-10.724; 7/3/23
nonresident small game hunting permit; 3 CSR 10-5.545; 7/3/23
nonresident turkey hunting permits; 3 CSR 10-5.565; 7/3/23
permits and privileges: how obtained; not transferable; 3 CSR 10-5.215; 7/3/23
resident archer's hunting permit; 3 CSR 10-5.360; 7/3/23
resident archery antlerless deer hunting permit; 3 CSR 10-5.425; 7/3/23
resident commercial live coyote and fox trapping permit; 3 CSR 10-10.788; 7/3/23
resident conservation order permit; 3 CSR 10-5.436; 7/3/23
resident falconry permit; 3 CSR 10-9.440; 7/3/23
resident firearms antlerless deer hunting permit; 3 CSR 10-5.352; 7/3/23
resident firearms any-deer hunting permit; 3 CSR 10-5.351; 7/3/23
resident firearms deer management assistance program permit; 3 CSR 10-5.600; 7/3/23
resident fishing permit; 3 CSR 10-5.340; 7/3/23
resident fur dealer's permit; 3 CSR 10-10.707; 7/3/23
resident lifetime conservation partner permit; 3 CSR 10-5.310; 7/3/23
resident lifetime fishing permit; 3 CSR 10-5.315; 7/3/23

resident lifetime small game hunting permit; 3 CSR 10-5.320; 7/3/23
resident lifetime trapping permit; 3 CSR 10-5.324; 7/3/23
resident managed deer hunting permit; 3 CSR 10-5.359; 7/3/23
resident national guard and reserve service small game hunting and fishing permit; 3 CSR 10-5.331; 7/3/23
resident roe fish commercial harvest permit; 3 CSR 10-10.722; 7/3/23
resident small game hunting and fishing permit; 3 CSR 10-5.330; 7/3/23
resident small game hunting permit; 3 CSR 10-5.345; 7/3/23
resident trapping permit; 3 CSR 10-5.370; 7/3/23
resident turkey hunting permits; 3 CSR 10-5.365; 7/3/23
roe fish dealer permit; 3 CSR 10-10.728; 7/3/23
tag and release fishing promotion permit; 3 CSR 10-10.732; 7/3/23
taxidermy; tanning; permit, privileges, requirements; 3 CSR 10-10.767; 7/3/23
three-day licensed hunting preserve hunting permit; 3 CSR 10-5.465; 7/3/23
trout; 3 CSR 10-6.535; 7/3/23
trout permit; 3 CSR 10-5.430; 7/3/23
use of boats and motors; 3 CSR 10-12.110; 3/15/23, 7/3/23
vehicles, bicycles, horses, and horseback riding; 3 CSR 10-11.130; 8/15/23
wildlife collector's permit; 3 CSR 10-9.425; 7/3/23
wildlife exhibitor permit; 3 CSR 10-9.370; 7/3/23
wildlife hobby permit; 3 CSR 10-9.420; 7/3/23

CREDIT AND FINANCE

ECONOMIC DEVELOPMENT, DEPARTMENT OF

administrative closure; 4 CSR 85-5.110; 9/1/23
applications; 4 CSR 85-5.020; 9/1/23
compliance with other provisions of law; 4 CSR 85-5.070; 9/1/23
developer fees; general contractor [requirements] *overhead and profits*; 4 CSR 85-5.090; 9/1/23
not-for-profits; 4 CSR 85-5.100; 9/1/23
overview and definitions; 4 CSR 85-5.010; 9/1/23
phased projects; 4 CSR 85-5.080; 9/1/23
preliminary and excess tax credits application evaluation – input from local elected officials; 4 CSR 85-5.060; 9/1/23
preliminary and excess tax credits application evaluation – level of economic distress; 4 CSR 85-5.050; 9/1/23
preliminary and *excess tax credits* application evaluation – overall size and quality of the project; 4 CSR 85-5.040; 9/1/23
preliminary *and excess tax credits* application evaluation – *projected* net fiscal benefit; 4 CSR 85-5.030; 9/1/23

ELECTED OFFICIALS

notice of periodic rule review; 15 CSR; 7/3/23
attorney general
experimental interventions to treat gender dysphoria; 15 CSR 60-17.010; 5/15/23, 7/3/23
secretary of state
state auditor
annual financial reports of political subdivisions; 15 CSR 40-3.030; 7/3/23
control of fixed assets; 15 CSR 40-2.031; 7/17/23
treasurer
charitable donation of allowed claims; 15 CSR 50-3.095; 8/1/23

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

division of financial and administrative services
pupil transportation in vehicles other than school buses; 5 CSR 30-261.045; 2/1/23, 7/3/23
division of learning services
certification requirements for teacher of early education (birth-grade 3); 5 CSR 20-400.510; 3/15/23, 8/1/23
certification requirements for teacher of elementary education (grades 1-6); 5 CSR 20-400.520; 3/15/23, 8/1/23
certification requirements for a teacher of middle school education (grades 5-9); 5 CSR 20-400.530; 3/15/23, 8/1/23

certification requirements for teacher of secondary education (grades 9-12); 5 CSR 20-400.540; 3/15/23, 8/1/23
certification requirements for teacher of special education; 5 CSR 20-400.560; 3/15/23, 8/1/23
fees; 5 CSR 20-500.220; 7/17/23
general provisions governing the consolidated grants under the elementary and secondary education act (ESEA); 5 CSR 20-100.130; 3/15/23, 8/1/23
maintenance and transportation; 5 CSR 20-500.230; 3/15/23; 8/15/23
mental health awareness training; 5 CSR 20-200.275; 6/1/23
Missouri school improvement program–5; 5 CSR 20-100.105; 7/17/23
Missouri school improvement program–5 resource and process standards and indicators 5 CSR 20-100.255; 7/17/23
pertinent regulations relating to the disability determinations program; 5 CSR 20-500.300; 3/1/23, 7/3/23
physical and mental restoration; 5 CSR 20-500.240; 7/17/23
procedures and standards for approval and accreditation of professional education programs in Missouri; 5 CSR 20-400.440; 3/15/23, 8/1/23
services; 5 CSR 20-500.210; 7/17/23
show-me success diploma program; 5 CSR 20-100.185; 7/17/23
standards for the approval and continued approval of on-the-job training for the training of veterans; 5 CSR 20-500.350; 3/1/23, 7/3/23
standards for the approval of apprentice courses for the training of veterans under the provisions of PL 90-77; 5 CSR 20-500.360; 3/1/23, 7/3/23
virtual instruction program; 5 CSR 20-100.230; 2/15/23
office of childhood
child care program; 5 CSR 25-500.182; 7/17/23
definitions; 5 CSR 25-500.010; 7/17/23
individuals with disabilities education act, part C; 5 CSR 25-100.120; 7/3/23
personnel; 5 CSR 25-500.102; 7/17/23
staff/child ratios; 5 CSR 25-500.112; 7/17/23

EXECUTIVE ORDERS

declares drought alerts for 60 Missouri counties in accordance with the Missouri drought mitigation and response plan; 23-05; 7/3/23
designates members of his staff to have supervisory authority over departments, divisions and agencies of state government; 23-07; 9/1/23
rescinds Executive Order 17-20, thereby dissolving the Board of Inquiry and removing any legal impediments to the lawful execution of Marcellus Williams, including the order staying the execution, established therein; 23-06; 8/1/23

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

notice of periodic rule review; 19 CSR; 7/3/23
cannabis regulation, division of
community and public health, division of
community-based faculty preceptor tax credit; 19 CSR 20-70.010; 7/17/23
injury prevention, head injury rehabilitation and local health services, division of
legal expense fund coverage; 19 CSR 50-3.030; 3/1/23, 7/3/23
voluntary health services; 19 CSR 50-3.040; 3/1/23, 7/3/23
volunteer health care workers in a health department; 19 CSR 50-3.020; 3/1/23, 7/3/23
Missouri health facilities review committee
Missouri health facilities review committee; 19 CSR 60-50; 7/3/23, 7/17/23, 8/15/23
Missouri state public health laboratory
nursing home administrators, Missouri board of
licensure by reciprocity; 19 CSR 73-2.025; 6/1/23
temporary emergency licenses; 19 CSR 73-2.080; 6/1/23
office of the director
amending or correcting vital records; 19 CSR 10-10.110; 4/17/23, 8/1/23
rural primary care physician grant program; 9 CSR 10-3.040; 9/1/23

regulation and licensure, division of

definitions;
 19 CSR 30-105.010; 3/15/23, 8/15/23
 denial, suspension, or revocation of registration;
 19 CSR 30-105.060; 3/15/23, 8/15/23
 inspections; 19 CSR 30-105.050; 3/15/23, 8/15/23
 procedures and requirements for registration of a
 supplemental health care services agency;
 19 CSR 30-105.030; 3/15/23, 8/15/23
 quarterly rate and charge reporting requirements;
 19 CSR 30-105.070; 3/15/23, 8/15/23
 registration fees; 19 CSR 30-105.020; 3/15/23, 8/15/23
 requirements for changes to a registered agency;
 19 CSR 30-105.040; 3/15/23, 8/15/23
 unlicensed assistive personnel training program;
 19 CSR 30-20.125; 7/3/23
senior and disability services, division of
 definitions; 19 CSR 15-7.005; 3/15/23, 7/17/23
 general requirements for all service providers;
 19 CSR 15-7.010; 3/15/23, 7/17/23
 in-home service standards; 19 CSR 15-7.021; 3/15/23, 7/17/23

**HIGHER EDUCATION AND WORKFORCE DEVELOPMENT,
DEPARTMENT OF**central Missouri state university
commissioner of higher education

approved dual credit provider; 6 CSR 10-9.020; 6/1/23
 dual credit/dual enrollment scholarship program;
 6 CSR 10-2.195; 3/15/23, 7/3/23
 fast track workforce incentive grant; 6 CSR 10-2.210;
 3/15/23, 7/3/23
 higher education academic scholarship program;
 6 CSR 10-2.080; 6/15/23
university of Missouri
 attendance at meetings of the board of curators;
 6 CSR 250-3.010; 4/17/23, 8/1/23
 definitions relating to the financial administration of the
 state cancer center; 6 CSR 250-7.010; 6/15/23, 9/1/23
 general regulations; 6 CSR 250-4.010; 4/17/23, 8/1/23
 general rules; 6 CSR 250-6.040; 4/17/23, 8/1/23
 nepotism; 6 CSR 250-5.010; 4/17/23, 8/1/23
 patients for whom the standard means test is unavailable;
 6 CSR 250-7.040; 6/15/23, 9/1/23
 preference for Missouri products; 6 CSR 250-3.020; 4/17/23,
 8/1/23
 residence of adult or emancipated students;
 6 CSR 250-6.030; 4/17/23, 8/1/23
 residence of unmarried minor students; 6 CSR 250-6.020;
 4/17/23, 8/1/23
 sales, solicitations, collections and advertising;
 6 CSR 250-4.030; 4/17/23, 8/1/23
 standard means test for Missouri residents who are patients
 of the state cancer center; 6 CSR 250-7.030; 6/15/23, 9/1/23
 tuition; 6 CSR 250-6.010; 4/17/23, 8/1/23
 use by nonstudent groups; 6 CSR 250-4.020; 4/17/23, 8/1/23
 utilization of payments by third-party sources and
 responsible parties for care rendered by the state cancer
 center; 6 CSR 250-7.020; 6/15/23, 9/1/23
 watchmen's commissions; 6 CSR 250-5.020; 4/17/23, 8/1/23

INSURANCE

applied behavior analysis maximum benefit; 20 CSR; 3/1/23
 construction claims binding arbitration cap; 20 CSR; 3/1/23
 non-economic damages in medical malpractice cap;
 20 CSR; 2/15/23
 sovereign immunity limits; 20 CSR; 12/15/22
 state legal expense fund; 20 CSR; 3/1/23
property and casualty
 standard fire policies; 20 CSR 500-1.100; 3/1/23, 8/1/23

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF
employment security, division of
mediation, state board of**MENTAL HEALTH, DEPARTMENT OF**
certification standards

certified community behavioral health organization;
 9 CSR 30-6.010; 7/17/23
 gambling disorder treatment; 9 CSR 30-3.134; 8/1/23
 SATOP structure; 9 CSR 30-3.206; 8/1/23
 sobering centers; 9 CSR 30-7.020; 5/1/23, 8/15/23
 substance awareness traffic offender programs;
 9 CSR 30-3.201; 8/1/23
developmental disabilities, division of
 procedures to obtain certification; 9 CSR 45-5.060; 8/1/23
director, department of mental health
 behavioral health healthcare home; 9 CSR 10-7.035; 7/17/23
 procedures to obtain certification; 9 CSR 10-7.130; 5/15/23,
 9/1/23

NATURAL RESOURCES, DEPARTMENT OF

commercial and industrial solid waste incinerators;
 10 CSR 10-6.161; 8/1/23
 effluent regulations; 10 CSR 20-7.015; 4/3/23
 energy set-aside fund; 10 CSR 140-2; 7/3/23
 hospital, medical, infectious waste incinerators;
 10 CSR 10-6.200; 8/1/23

POLICE COMMISSIONERS, BOARDS OF

notice of periodic rule review; 17 CSR; 7/3/23

PROFESSIONAL REGISTRATION

accountancy, Missouri state board of
 granting of credit for the examination; 20 CSR 2010-2.140;
 7/3/23
athletics, office of
behavior analyst advisory board
dental board, Missouri
 licensure by credentials – dental hygienists;
 20 CSR 2110-2.070; 4/3/23, 7/17/23
 licensure by credentials – dentists; 20 CSR 2110-2.030;
 4/3/23, 7/17/23
 nonresident military spouse licensure by credentials;
 20 CSR 2110-2.075; 4/3/23, 7/17/23
dietitians, state committee of
geologist registration, Missouri board of
Missouri board for architects, professional engineers,
professional land surveyors, and professional landscape
architects
Missouri real estate commission
nursing, state board of
 approval;
 20 CSR 2200-2.010; 5/1/23, 8/15/23
 20 CSR 2200-3.010; 5/1/23, 8/15/23
 20 CSR 2200-8.010; 5/1/23, 8/15/23
 intravenous infusion treatment administration by
 qualified practical nurses; supervision by a registered
 professional nurse; 20 CSR 2200-6.030; 5/1/23, 8/15/23
 requirements for intravenous therapy administration
 certification; 20 CSR 2200-6.060; 5/1/23, 8/15/23
 venous access and intravenous infusion treatment
 modalities course requirements; 20 CSR 2200-6.040;
 5/1/23, 8/15/23
pharmacy, state board of
 class B hospital pharmacy compounding for drug
 shortages; 20 CSR 2220-2.410; 4/17/23, 8/1/23, 8/15/23
 compounding standards of practice; 20 CSR 2220-2.400;
 4/17/23, 8/15/23
podiatric medicine, state board of
 issuance of temporary courtesy license to nonresident
 military spouse; 20 CSR 2230-2.055; 4/3/23, 7/17/23
 licensure by reciprocity; 20 CSR 2230-2.050; 4/3/23, 7/17/23
private investigator and private fire investigator examiners,
board of
 fees; 20 CSR 2234-1.050; 7/3/23
professional counselors, committee for
professional registration, division of
 community-based faculty preceptor tax credit;
 20 CSR 2231-3.030; 7/17/23
psychologists, state committee of
 fees; 20 CSR 2235-1.020; 5/15/23, 9/1/23

renewal or restoration of a license; 20 CSR 2235-1.050;
5/15/23, 9/1/23

real estate appraisers

AQB 2018 licensure criteria; 20 CSR 2245-6.017; 5/15/23
registration for the healing arts, state board of
social workers, state committee for

application for licensure as a social worker;
20 CSR 2263-2.050; 8/1/23

continuing education; 20 CSR 2263-2.082; 8/1/23

supervised licensed social work experience;
20 CSR 2263-2.030; 8/1/23

veterinary medical board, Missouri

PUBLIC DEFENDER COMMISSION

notice of periodic rule review; 18 CSR; 7/3/23

PUBLIC SAFETY, DEPARTMENT OF

fire safety, division of

Missouri 911 service board

definitions; 11 CSR 90-2.010; 8/15/23

Missouri gaming commission

authorized games; 11 CSR 45-5.050; 8/1/23

bingo games; 11 CSR 45-5.290; 8/1/23

certification and registration of electronic gaming devices;
11 CSR 45-5.230; 8/1/23

child care facilities – license required; 11 CSR 45-10.150;
6/1/23

computer monitoring requirements of electronic gaming
devices; 11 CSR 45-5.220; 8/1/23

destruction of chips and tokens; 11 CSR 45-5.160; 8/1/23

ethical restrictions; 11 CSR 45-5.056; 8/1/23

exchange of chips and tokens; 11 CSR 45-5.130; 8/1/23

integrity of electronic gaming devices; 11 CSR 45-5.210;
8/1/23

issuance and use of tokens for gaming in electronic gaming
devices; 11 CSR 45-5.120; 8/1/23

minimum standards for electronic gaming devices;
11 CSR 45-5.190; 8/1/23

payout percentage for electronic gaming devices;
11 CSR 45-5.070; 8/1/23

periodic payments; 11 CSR 45-5.240; 8/1/23

policies; 11 CSR 5-053; 8/1/23

primary, secondary, and reserve sets of gaming chips;
11 CSR 45-5.110; 8/1/23

publication of rules and payoff schedules for all permitted
games; 11 CSR 45-5.060; 8/1/23

safety standards for electronic gaming devices;
11 CSR 45-5.270; 8/1/23

tournament chips and tournaments; 11 CSR 45-5.180; 8/1/23

office of the director

contract awards, monitoring and review; 11 CSR 30-8.040;
2/1/23X

definition 11 CSR 30-9.010; 2/1/23X

definitions; 11 CSR 30-8.010; 2/1/23X

eligible applicants; 11 CSR 30-8.020; 2/1/23X

notification and filing procedure; 11 CSR 30-8.030; 2/1/23X

operation payback restrictions; 11 CSR 30-9.040; 2/1/23X

organization and operations; 11 CSR 30-1.010; 2/1/23X

organization disqualification; 11 CSR 30-9.050; 2/1/23X

participation eligibility requirements; 11 CSR 30-9.020;
2/1/23X

reimbursement criteria; 11 CSR 30-9.030; 2/1/23X

veterans affairs

Missouri veterans homes program; 11 CSR 85-1.030;
4/17/23, 8/1/23

PUBLIC SERVICE COMMISSION

safety standards for electrical corporations,
telecommunications companies, and rural electric
cooperatives; 20 CSR 4240-18.010; 5/15/23

safety standards – transportation of gas by pipeline;
20 CSR 4240-40.030; 9/1/23

service disconnection reporting requirements for electric,
gas, sewer, and water utilities; 20 CSR 4240-13.075; 6/15/23

RETIREMENT SYSTEMS

notice of periodic rule review; 16 CSR; 7/3/23

REVENUE, DEPARTMENT OF

adjustments to the distribution of funds allocated pursuant
to article iv, section 30(a) of the Missouri constitution as
referenced in section 142.345, RSMo; 12 CSR 10-7.320; 9/1/23
adjustments to the distribution of St. Louis county cigarette
tax funds pursuant to the federal decennial census
12 CSR 10-16.170; 5/15/23

aggregate amount defined; 12 CSR 10-[4.170]103.170; 9/1/23
airlines; 12 CSR 10-2.210; 8/15/23

allocation of bank tax; 12 CSR 10-10.020; 9/1/23

annual filing; [12 CSR 10-4.610] 12 CSR 10-103.640; 8/1/23

bonding requirements; 12 CSR 10-6.020; 8/15/23

cafeterias and dining halls; [12 CSR 10-3.404] 12 CSR 10-110.404;
8/1/23

capital loss allocation between spouses, *allocation of taxable
social security benefits between spouses, and computation
of an individual's Missouri adjusted gross income on a
combined income tax return*; 12 CSR 10-2.010; 8/15/23

collateral requirements for nonstate funds;
12 CSR 10-43.030; 3/1/23, 7/3/23

compliance with the american with disabilities act;
12 CSR 10-9.290; 3/1/23, 7/3/23

dealer administrative fees and system modernization;
12 CSR 10-26.230; 3/1/23, 7/3/23

definitions; 12 CSR 10-9.150; 7/3/23

delegation of authority to third-party testers to conduct skills
test of applicants for commercial drivers licenses;
12 CSR 10-24.330; 8/15/23

determination of withholding for work performed at
temporary work location; 12 CSR 10-2.019; 5/15/23

determining taxable gross receipts; 12 CSR 10-103.555; 9/1/23

disclosure of public records and confidentiality of closed
records; 12 CSR 10-42.050; 5/1/23, 9/1/23

domestic international sales corporations; 12 CSR 10-2.080;
8/15/23

drinks and beverages; [12 CSR 10-3.050] 12 CSR 10-103.050;
8/1/23

effect of saturday, sunday, or holiday on payment due;
[12 CSR 10-4.160] 12 CSR 10-102.160; 8/1/23

exceptions; 12 CSR 10-9.160; 7/3/23

filing final return; [12 CSR 10-4.180] 12 CSR 10-103.180; 8/1/23

filing protest payment returns;
[12 CSR 10-3.554] 12 CSR 10-102.554; 8/1/23

filing returns when no liability exists;
[12 CSR 10-4.185] 12 CSR 10-103.185; 8/1/23

foster parent tax deduction; 12 CSR 10-2.725; 3/1/23, 7/3/23

fuel inspection fee; 12 CSR 10-7.190; 9/1/23

general; 12 CSR 10-9.140; 7/3/23

good moral character of motor vehicle dealers, manufactures,
boat dealers, salvage dealers and title service agents;
12 CSR 10-23.160; 6/15/23

hearings; 12 CSR 10-24.030; 3/1/23, 7/3/23

income period; 12 CSR 10-10.125; 7/3/23

inspection of non-USA standard vehicles prior to titling;
12 CSR 10-23.260; 8/15/23

issuance of special fuel decals; 12 CSR 10-23.310; 8/15/23

interest, additions to tax and penalty; 12 CSR 10-10.140; 9/1/23

interest earned by banking institutions from the resolution
funding corporation and the financial corporation;
12 CSR 10-10.180; 9/1/23

investment instruments for nonstate funds;
12 CSR 10-43.020; 3/1/23, 7/3/23

limitation on collection of tax, refunds; 12 CSR 10-9.280; 7/3/23

manufacturing machinery and equipment exemptions, as
defined in section 144.030, RSMo; 12 CSR 10-111.010; 9/1/23

marketing organizations soliciting sales through exempt
entity fund-raising activities; 12 CSR 10-4.622; 9/1/23

materials and other goods used or consumed in
manufacturing, as defined in section 144.054;
12 CSR 10-110.201; 9/1/23

maximum dealer administrative fees; 12 CSR 10-26.231;
3/1/23, 7/3/23

Missouri cigarette wholesaler's license; 12 CSR 10-16.120; 8/15/23
 motor fuel and special fuel transporters; 12 CSR 10-7.300; 9/1/23
 motor fuel bond trust fund; 12 CSR 10-6.030 6/15/23
 motor fuel tax exemption for operators of public mass transportation service; 12 CSR 10-6.100; 8/15/23
 multiple assessments of banking institutions for a single year; 12 CSR 10-10.100; 7/3/23
 neighborhood assistance credit (NAC); 12 CSR 10-10.160; 9/1/23
 obscene license plates; 12 CSR 10-23.185; 7/3/23
 optional single sales factor; 12 CSR 10-2.052; 8/15/23
 organizational structure; 12 CSR 10-1.010; 5/1/23, 9/1/23
 partnership filing requirements; 12 CSR 10-2.140; 6/15/23
 payment; 12 CSR 10-9.180; 7/3/23
 personal property tax credits — definition, calculation and refund agreement; 12 CSR 10-10.175; 9/1/23
 railroads; 12 CSR 10-2.205; 8/15/23
 report, contents, date due; 12 CSR 10-9.200; 7/3/23
 report of changes in federal income tax return; 12 CSR 10-2.105; 6/15/23
 reporting requirements for individual medical accounts; 12 CSR 10-2.720; 8/15/23
 return required; [12 CSR 10-4.600] 12 CSR 10-103.630; 8/1/23
 sale consummation; 12 CSR 10-4.015; 9/1/23
 sales to the United States government and government contractors; 12 CSR 10-112.300; 8/15/23
 SALT parity act implementation; 12 CSR 10-2.436; 7/3/23
 solar photovoltaic energy systems sales tax exemption; 12 CSR 10-112.020; 6/15/23
 statements of account; 12 CSR 10-39.010; 9/1/23
 statute of limitations for bank tax; 12 CSR 10-10.030; 9/1/23
 taxability of sales made at fund-raising events conducted by clubs and organizations not otherwise exempt from sales taxation; [12 CSR 10-3.846] 12 CSR 10-110.846; 8/1/23
 tax paid to another state; 12 CSR 10-4.100; 9/1/23
 tax year; 12 CSR 10-9.170; 7/3/23
 timely filing; [12 CSR 10-4.310] 12 CSR 10-103.310; 8/1/23
 transient employer financial assurance instrument for employer's withholding tax; 12 CSR 10-2.017; 8/15/23
 transportation fares; 12 CSR 10-108.600; 8/15/23
 trucking companies; 12 CSR 10-2.200; 8/15/23
 use of and reliance on exemption certificates; 12 CSR 10-107.100; 9/1/23
 witnessing proof of federal heavy vehicle use tax payment or exemption; 12 CSR 10-23.295; 8/15/23

SOCIAL SERVICES, DEPARTMENT OF **children's division**

background checks for personnel of residential care facilities and child placing agencies; 13 CSR 35-71.015; 7/3/23
 exceptions for transitional living services programs; 13 CSR 35-71.095; 2/15/23, 7/3/23

family support division

mo healthnet division

ambulance service reimbursement allowance; 13 CSR 70-3.200; 3/15/23, 7/3/23
 department is the payer of last resort, department's claim for recovery, participant's duty of cooperation; 13 CSR 70-4.120; 5/15/23
 federal reimbursement allowance (FRA); 13 CSR 70-15.110; 7/17/23, 8/1/23
 inpatient psychiatric services for individuals under age twenty-one; 13 CSR 70-15.070; 7/3/23
 medical pre-certification process; 13 CSR 70-3.180; 9/1/23
 outpatient hospital services reimbursement methodology; 13 CSR 70-15.160; 8/15/23
 personal care program; 13 CSR 70-91.010; 3/15/23, 7/17/23
 pharmacy reimbursement allowance; 13 CSR 70-20.320; 4/17/23, 9/1/23
 prospective reimbursement plan for nonstate-operated facilities for ICF/IID services; 13 CSR 70-10.030; 5/1/23, 9/1/23
 prospective reimbursement plan for nursing facility and HIV nursing facility services; 13 CSR 70-10.020; 7/3/23

therapy program; 13 CSR 70-70.010; 4/17/23
youth services, division of

TRANSPORTATION, MISSOURI DEPARTMENT OF **highway safety and traffic division** **Missouri highways and transportation commission** **motor carrier and railroad safety**

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