

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 15, 2001**

CASE NO: MX-2000-433; 430; 431

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Enclosed find certified copy of an ORDER OF RULEMAKING in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

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 of 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 which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (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 which 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 121—Pre-Owned Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-121.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161). Changes have been made to the text of the following proposed amendment and are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used

modular units used for educational purposes." Therefore, the Association requests that the Commission redraw proposed rule 4 CSR 240-121.010 in Chapter 12—Pre-owned Mobile Homes.

RESPONSE AND EXPLANATION OF CHANGE: 4 CSR 240-121.010 defines terms used in Chapter 121. The Commission agrees with the Association and believes that portions of 4 CSR 240-121.010 can be removed, while other portions should remain in the rule. Therefore, the Commission amends this rule as proposed, and proposes to further amend the rule in another rulemaking to remove those sections no longer under its jurisdiction.

4 CSR 240-121.010 Definitions

(1) The following definitions, as well as those set out in section 700.010, RSMo apply to this chapter:

(C) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and persons working under his/her supervision;

(D) Approved insignia means a label or tag issued by authority of 42 USC 5414 under the Federal Manufactured Home Procedural and Enforcement Regulations; and

(E) Pre-owned manufactured home means a manufactured home that has been sold at retail or rented, leased or occupied either as a dwelling or a place of business.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 121—Pre-Owned Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission withdraws a proposed amendment as follows:

4 CSR 240-121.050 Inspection of Pre-Owned Manufactured Homes Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1162). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.050 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did affect the statutory authority cited in 4 CSR 240-121.050. Therefore, 4 CSR 240-121.050 will be withdrawn. 4 CSR 240-121.050 set forth the extent to which pre-owned manufactured homes were subject to inspection for code and set up compliance. The amendments to Chapter 700 removed Commission jurisdiction

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 of 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 which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (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 which 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 121—Pre-Owned Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-121.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161). Changes have been made to the text of the following proposed amendment and are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used

modular units used for educational purposes." Therefore, the Association requests that the Commission redraw proposed rule 4 CSR 240-121.010 in Chapter 12—Pre-owned Mobile Homes.

RESPONSE AND EXPLANATION OF CHANGE: 4 CSR 240-121.010 defines terms used in Chapter 121. The Commission agrees with the Association and believes that portions of 4 CSR 240-121.010 can be removed, while other portions should remain in the rule. Therefore, the Commission amends this rule as proposed, and proposes to further amend the rule in another rulemaking to remove those sections no longer under its jurisdiction.

4 CSR 240-121.010 Definitions

(1) The following definitions, as well as those set out in section 700.010, RSMo apply to this chapter:

(C) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and persons working under his/her supervision;

(D) Approved insignia means a label or tag issued by authority of 42 USC 5414 under the Federal Manufactured Home Procedural and Enforcement Regulations; and

(E) Pre-owned manufactured home means a manufactured home that has been sold at retail or rented, leased or occupied either as dwelling or a place of business.

FILED

Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT

NOV 15 2001

Division 240—Public Service Commission

Chapter 121—Pre-Owned Manufactured Homes

Missouri Public
Service Commission

ORDER OF RULEMAKING

MX-2000-430

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission withdraws a proposed amendment as follows:

4 CSR 240-121.050 Inspection of Pre-Owned Manufactured Homes Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1162). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.050 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did affect the statutory authority cited in 4 CSR 240-121.050. Therefore, 4 CSR 240-121.050 will be withdrawn. 4 CSR 240-121.050 set forth the extent to which pre-owned manufactured homes were subject to inspection for code and set up compliance. The amendments to Chapter 700 removed Commission jurisdiction

over code and set-up enforcement, thereby removing the authority to inspect pre-owned manufactured homes for code and set-up compliance.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission withdraws a proposed amendment as follows:

**4 CSR 240-121.060 Complaints and Review of Director Action
is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1162). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.060 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission agrees that Chapter 700 amendments did affect statutory authority cited in 4 CSR 240-121.060 and that the proposed amendment will be withdrawn. 4 CSR 240-121.060 provided for the manner in which complaints may be filed by persons aggrieved by violations of Chapter 700. Since the Commission no longer has jurisdiction over pre-owned manufactured homes, the proposed amendment is no longer relevant.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159, and 208.201, RSMo 2000, the director hereby amends a rule as follows:

13 CSR 70-10.150 Enhancement Pools is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2001 (26 MoReg 1515-1517). No changes have been made in 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.

FILED

NOV 15 2001

**Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 1—Financial Solvency and Accounting
Standards**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 200-1.030 Financial Statement and Diskette Filing is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1459-1460). No changes have been made in 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 INSURANCE
Division 200—Financial Examination
Chapter 11—Control and Management of Insurance
Companies**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 200-11.101 Insurance Holding Company System
Regulation with Reporting Forms and Instructions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1460-1467). No changes have been made in 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 INSURANCE
Division 200—Financial Examination
Chapter 11—Control and Management of Insurance
Companies**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 200-11.120 is adopted.

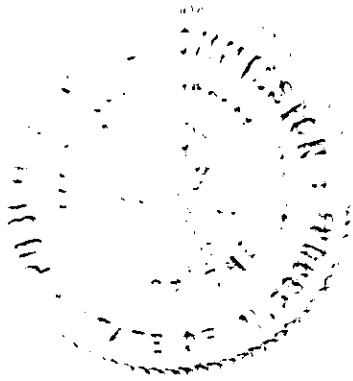
A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1467-1470). Comments were received and are responded to herein. Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

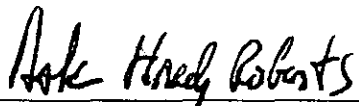
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 15th day of Nov. 2001.





Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge