

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1998. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

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

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

FILED  
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TX-2000-10  
Missouri Public Service Commission  
Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for Telecommunications Companies

#### ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, 386.250, 392.200 and 392.540, RSMo Supp. 1998, the commission hereby terminates an emergency rule effective November 30, 1999, as follows:

4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1719-1720). The commission filed a final order of rulemaking for 4 CSR 240-33.150, which will be published in the October 31, 1999, *Code of State Regulations* and will be effective on November 30, 1999. Therefore, in order to avoid having two rules regarding Verification of Orders for Changing Telecommunications Service Provider effective at the same time, the commission will terminate the emergency rule, effective November 30, 1999.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 50—Missouri State Highway Patrol  
Chapter 2—Motor Vehicle Inspection Division

#### EMERGENCY RESCISSION

11 CSR 50-2.350 Applicability of Motor Vehicle Emission Inspection. This rule identified the geographical area of the emission inspection program and the vehicles which were required to be emission tested.

*PURPOSE:* The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

*EMERGENCY STATEMENT:* Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

*AUTHORITY:* section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Emergency amendment filed Dec. 22, 1983, effective Jan. 6, 1984, expired May 5, 1984. Amended: Filed Jan. 13, 1984, effective April 12, 1984. Emergency amendment filed Jan. 23, 1984, effective Feb. 3, 1984, expired May 25, 1984. Amended: Filed Feb. 10, 1984, effective May 11, 1984. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 50—Missouri State Highway Patrol  
Chapter 2—Motor Vehicle Inspection Division

#### EMERGENCY RESCISSION

11 CSR 50-2.360 Emission Fee. This rule identified the fee to be charged for performing an emission inspection.

RECEIVED

DEC 03 1999

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION