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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2014), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Hearnes Learning Resources Ctr. Missouri Western State University 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library Missouri University of Science and Technology 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 915 S. Jefferson Ave. Lebanon, MO 65536-3017 (417) 532-2148
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Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
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Pickler Memorial Library Truman State University 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Smiley Memorial Library Central Methodist University 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

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

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

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within 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 paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2014.

EXECUTIVE ORDER
15-10

WHEREAS, I have been advised by the State Emergency Management Agency that a series of severe storm systems beginning on December 22, 2015, and continuing, have caused or have the potential to cause, damage associated with tornadoes, high winds, heavy rains, flooding and flash flooding impacting communities throughout the state of Missouri; and

WHEREAS, the severe weather is creating a condition of distress and hazard to the safety, welfare, and property of the citizens of the state of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, the severe weather has already resulted in injuries and the loss of life as well as affected homes, businesses, transportation infrastructure, agricultural land and other property across the state of Missouri; and

WHEREAS, the State of Missouri will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

WHEREAS, the resources of the state of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

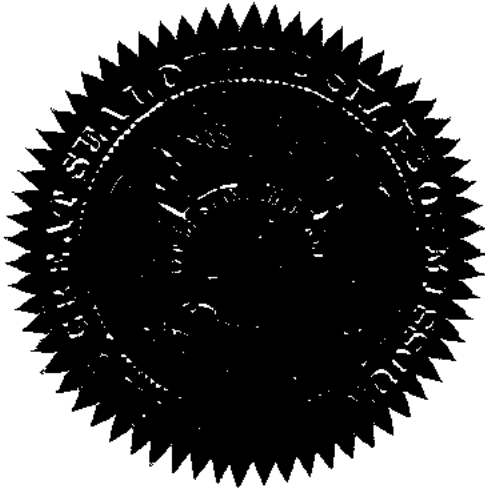
WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, is required to ensure the protection of the safety and welfare of the citizens of Missouri.

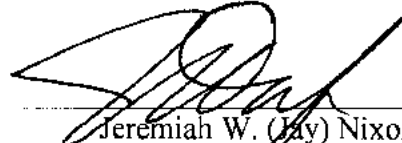
NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the state of Missouri, including Section 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri and direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

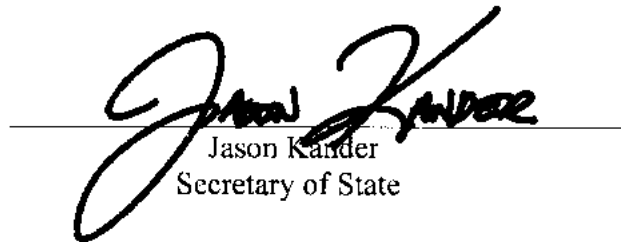
This order shall terminate on January 22, 2016, unless extended in whole or in part.

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 27th day of December, 2015.





Jeremiah W. (Jay) Nixon
Governor



Jason Kander
Secretary of State

EXECUTIVE ORDER
15-11

WHEREAS, I have been advised by the State Emergency Management Agency that severe storm systems have caused, or have the potential to cause, damages associated with heavy rains, flooding, flash flooding and high winds in communities across the State of Missouri; and

WHEREAS, there has been loss of life, interruption of public services, infrastructure damages and damages to private property, as a result of the severe weather that began on December 22, 2015; and

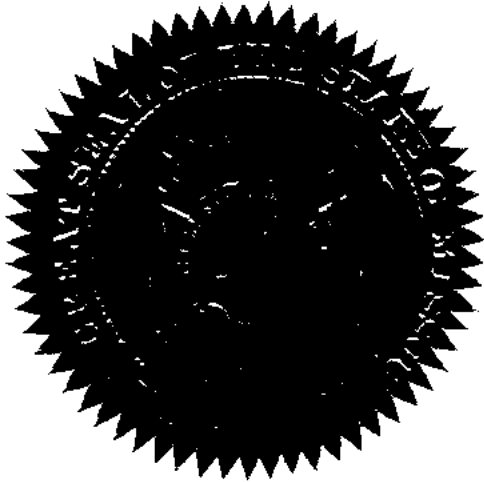
WHEREAS, the severe weather that began on December 22, 2015, has created conditions of distress and hazard to the safety, welfare and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, the resources of the State of Missouri are needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, I issued Executive Order 15-10 declaring a State of Emergency for the protection of the safety and welfare of the citizens of the State of Missouri.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Section 41.480.2, RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized by the Governor of this State.

This order shall terminate on January 28, 2016, unless extended in whole or in part.

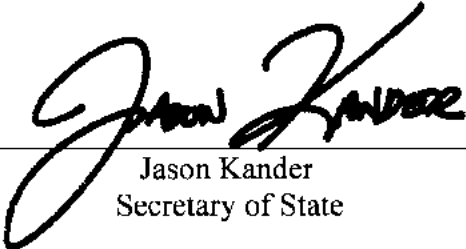


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of December, 2015.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



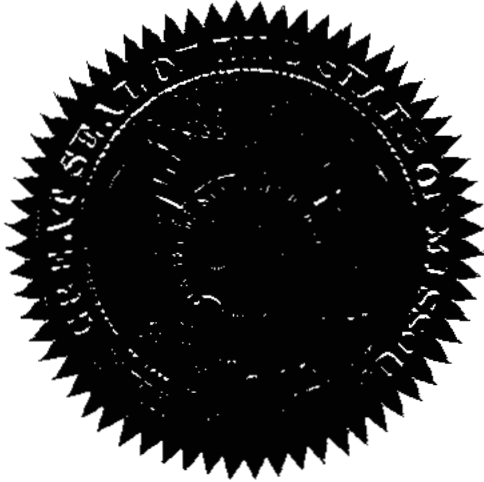
Jason Kander
Secretary of State

EXECUTIVE ORDER
16-01


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 the state government.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, 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:

Office of Administration	Andrea Spillars
Department of Agriculture	Nick Heberle
Department of Conservation	Harry Bozoian
Department of Corrections	Edward R. Ardini, Jr.
Department of Economic Development	Bill Miller, Jr.
Department of Elementary and Secondary Education	Mike Nietzel
Department of Health and Senior Services	Joel Anderson
Department of Higher Education	Mike Nietzel
Department of Insurance, Financial Institutions and Professional Registration	Bill Miller, Jr.
Department of Labor and Industrial Relations	Jason Zamkus
Department of Mental Health	Mike Nietzel
Department of Natural Resources	Harry Bozoian
Department of Public Safety	Andrea Spillars
Department of Revenue	Andrea Spillars
Department of Social Services	Joel Anderson
Department of Transportation	Bill Miller, Jr.
Missouri Housing Development Commission	Brian May
Boards Assigned to the Governor	Bill Miller, Jr.
Unassigned Boards and Commissions	Bill Miller, Jr.

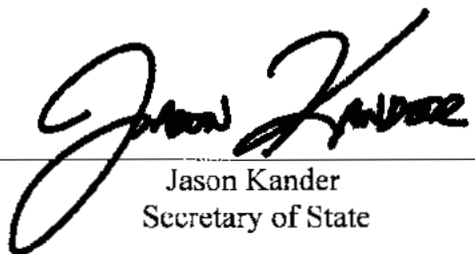


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of January, 2016.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Jason Kander
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the 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 which 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 and 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.

300,001–600,000	\$/50/250
600,001–900,000	\$/100/300
900,001–1,500,000	\$/150/350
1,500,001–2,500,000	\$/200/400
2,500,001–3,500,000	\$/250/450
over 3,500,000	add \$/25/50/ for each additional million bushels.

AUTHORITY: section 411.070, RSMo [1986] 2000. This rule was previously filed as 2 CSR 40-4.030. Original rule filed May 5, 1972, effective May 15, 1972. Rescinded and readopted: Filed Feb. 13, 1980, effective May 11, 1980. Amended: Filed Dec. 29, 2015.

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

PRIVATE COST: This proposed amendment will cost private entities approximately twenty-six thousand five hundred dollars (\$26,500) per year.

NOTICE TO SUBMIT COMMENTS: Anyone may submit a written statement in support of or in opposition to this proposed amendment. Written statements shall be sent to the attention of Joe Walker, Grain Regulatory Services, PO Box 630, 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.

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

**Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law**

PROPOSED AMENDMENT

2 CSR 60-4.030 Warehouse License—Fees. The division is amending section (1).

PURPOSE: A new range of capacity has been added for low capacity businesses wishing to be licensed as a public warehouse. Rates for current capacity ranges will be changed by amending this rule.

(1)	
Actual Capacity	Fee
(bushels)	(per year)
1–100,000	\$100
100,001–300,000	\$/25/200

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Agriculture – 2**
Division Title: Grain Inspection and Warehousing – 60
Chapter Title: Missouri Grain Warehouse Law – 4

Rule Number and Title:	2 CSR 60-4.030 Warehouse License – Fees
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
170	Missouri Licensed Public Grain Warehouses	\$26,500 per year

III. WORKSHEET

Capacity Range (in Bushels)	Number of Licensees Effected	Current License Fee	Proposed License Fee	Dollar Increase
1-100,000	22	\$25	\$100	\$75
100,001-300,000	36	\$25	\$200	\$175
300,001-600,000	32	\$50	\$250	\$200
600,001-900,000	20	\$100	\$300	\$200
900,001-1,500,000	16	\$150	\$350	\$200
1,500,001-2,500,000	6	\$200	\$450	\$200
2,500,001-3,500,000	9	\$250	\$450	\$200
Greater than 3,500,000	7	\$321	\$593	\$271

IV. ASSUMPTIONS

Current number of warehouse licensed entities will remain near constant.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law**

PROPOSED AMENDMENT

2 CSR 60-4.050 Warehouse Receipts. The division is amending section (1) and adding a new section (6).

PURPOSE: Amending this rule will allow the licensed public grain warehouseman to use electronic negotiable warehouse receipts and reduce the number of copies of negotiable warehouse receipts the warehouseman is required to use and distribute.

(1) All **paper** negotiable warehouse receipts must be ordered from the Missouri Department of Agriculture, GRS, P[.]O[.] Box 630, Jefferson City, MO 65102 [in triplicate or quadruplicate]. Copies shall be distributed as follows:

(A) The original copy of the negotiable warehouse receipt must be issued to the owner of the stored commodity; **and**

(B) **The original warehouse receipt stub and** [A]at least one (1) copy of each warehouse receipt ordered, whether issued or voided, must be retained by the warehouseman in accordance with section 411.383, RSMo[; and].

[*(C) Additional copies printed may be given to the owner(s) of the stored commodity or retained by the warehouseman.*]

(6) Negotiable electronic warehouse receipts may be utilized. All electronic warehouse receipts must be obtained from a Missouri Department of Agriculture approved provider.

AUTHORITY: section 411.070, RSMo [1986] 2000. This rule was previously filed as 2 CSR 40-4.050. Original rule filed May 5, 1972, effective May 15, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 29, 2015.

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 submit a written statement in support of or in opposition to this proposed amendment. Written statements shall be sent to the attention of Joe Walker, Grain Regulatory Services, PO Box 630, 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 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law**

PROPOSED AMENDMENT

2 CSR 60-4.120 Tariffs. The division is amending section (1).

PURPOSE: Amending this rule will remove the requirement that a licensed public grain warehouseman to file a tariff each year at the time the public grain warehouse license is renewed. A tariff will be required with an original application for a public grain warehouse license, and at any time the licensed public grain warehouseman wishes to change rates charged depositors of grain.

(1) A schedule of charges shall be submitted [by the warehouseman each year at the time of license renewal] with an original warehouse license application. An amended schedule of charges may be filed at any time. The schedule shall contain rates to be charged for storage, receiving, loadout, cleaning, drying, and any other charges applicable to the conditioning or processing of grain delivered by patrons of the warehouse. The schedule of charges also shall set forth any minimum charges, shrinks, or time limits applicable to grain storage accounts.

AUTHORITY: section 411.070, RSMo [1986] 2000. Original rule filed Feb. 13, 1980, effective May 11, 1980. Amended: Filed Dec. 29, 2015.

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 submit a written statement in support of or in opposition to this proposed amendment. Written statements shall be sent to the attention of Joe Walker, Grain Regulatory Services, PO Box 630, 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 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law**

PROPOSED AMENDMENT

2 CSR 60-4.150 Letters of Credit. The division is amending section (1), deleting section (5), and renumbering as needed.

PURPOSE: Amending this rule will remove the requirement that an irrevocable letter of credit, provided in lieu of a public grain warehouse bond, be issued by a bank chartered under the laws of Missouri. Also, the requirement that an irrevocable letter of credit provided in lieu of a public grain warehouse bond be negotiable only at a financial institution located within Missouri is removed. The International Chamber of Commerce publication which cites rules that issuing banks are to follow is updated to the current publication number.

(1) A letter of credit issued by a commercial bank chartered under the laws of Missouri, **or any state**, or chartered pursuant to the National Banking Act, Title 12 U.S.C. may be submitted to the Missouri Department of Agriculture in lieu of a Missouri grain warehouse bond as required by sections 411.010–411.800, RSMo[;], provided[,] that the commercial bank adopts and adheres to the rules enumerated in the International Chamber of Commerce publication [UCP-500] UCP-600 pertaining to letters of credit and issues those letters in conformity with Article V of the Uniform Commercial Code, section 400.5-101, RSMo. The letter of credit must be in an amount equal to the otherwise required bond.

[*(5) All letters of credit must be negotiable at a financial institution located within Missouri.*]

[*(6) (5) Letters of credit shall have a term of one (1) year which shall be renewable automatically for additional one- (1)-[-] year terms. A letter of credit may be revoked by the licensee or issuer only at its expiration date by giving the Department of Agriculture at least ninety (90) days written notice, by certified mail, prior to a renewal date.*]

Notice is not deemed sufficiently given unless the director of agriculture receives the cancellation notice in writing, by certified mail, at least ninety (90) days prior to the renewal date of the letter of credit. Upon the timely receipt of this notice, the licensee shall be required to arrange for substitution of a suitable bond or certificate of deposit (CD) at least sixty (60) days prior to the expiration of the letter of credit. If satisfactory evidence of these arrangements is not timely received, the director shall proceed in accordance with the provisions of section 411.275, RSMo.

[(7)](6) If a licensee desires to surrender its license and requests the release of a letter of credit, the licensee must return its grain warehouse license and make written request by registered mail or certified mail with return receipt for the release of the letter of credit. Upon receipt of the written request and the submission of the grain warehouse license, the director shall hold the letter of credit until the director is satisfied that no claims exist, which may include a minimum ninety- (90-)/-/ day holding period, before notice of release is transmitted to the issuer.

[(8)](7) In the event that a licensee desires to substitute a bond for a letter of credit then in possession of the director of agriculture, the letter of credit shall remain in force for a period of ninety (90) days following the later of the effective date of the bond or the date the bond is received by the director. A substitute bond shall be considered as received by the director when the bond is actually received or when a binding verbal commitment for a substitute bond has been accepted by the director. The director may retain the letter of credit beyond ninety (90) days for such time as may be required to fully ascertain the existence of any claims. After that, notice of release shall be transmitted to the issuer of the letter of credit.

[(9)](8) In the event that a licensee desires to substitute a CD for a letter of credit, the director shall transmit a release to the issuer of the credit letter upon receipt and authentication of the CD.

[(10)](9) In the event that a plurality of letters of credit from any number of issuers are presented in satisfaction of a licensee's bonding obligation, the director may satisfy claims under the Missouri Grain Warehouse Law by presentment of sight drafts or letter of demand against one (1) or more letters of credit, without regard to proration.

[(11)](10) A licensee shall be required to augment letters of credit in any situation where it would be required to increase its coverage under a bond; this augmentation shall be commensurate to the increased bond value required. In the event of a decreased bond requirement, a new letter of credit for the lesser amount may be substituted for a prior letter upon the renewal date of the letter of credit or at that time as approved by the director.

[(12)](11) If the decrease in bond requirement is due to a decrease in storage capacity, a minimum ninety- (90-)/-/ day bonding period may be required from the date of the amendment audit before a decreased letter of credit will be accepted.

[(13)](12) If the decrease in bond requirement is due to an increase in net worth, a minimum ninety- (90-)/-/ day bonding period may be required from the date the improved net worth is accepted by the director.

[(14)](13) Licensees or prospective licensees may present any combination of CDs, letters of credit, and bonds in satisfaction of its bonding requirement under this chapter; however, in making disbursements for claims, the director shall liquidate the CDs first, draw upon the letters of credit second, and make demand upon the bond(s) third.

[(15)](14) When the director has made written demand for payment of a letter of credit, the letter shall be considered paid if the issuing bank pays the sum demanded to the director within three (3) days of the bank's receipt of that demand, or if the issuing bank deposits the sum demanded in an escrow account solely in the name of the director at a bank designated by the director within three (3) days of the bank's receipt of that demand. Deposit of the sum demanded in this escrow account shall not constitute refusal or failure of the issuing bank to pay the sum demanded to the director and shall prevent a penalty assessment for refusal or failure to pay the sum demanded to the director. When the sum demanded is deposited in this escrow account, the funds shall remain in the escrow account until the liability of the bank has been determined in accordance with Chapter 411, RSMo. In the event that a penalty assessment is necessary in accordance with Chapter 411, RSMo, the penalty assessment shall begin on the fourth day following the date of the bank's receipt of written demand for payment by the director and shall be assessed at the rate of one-seventh (1/7) of a week for each day of delay.

AUTHORITY: sections 411.070(2) and 411.277, RSMo Supp. [1998] 2000. Emergency rule filed April 15, 1986, effective April 25, 1986, expired Aug. 23, 1986. Original rule filed May 2, 1986, effective Aug. 25, 1986. Amended: Filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999, effective June 30, 2000. Amended: Filed Dec. 29, 2015.

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 submit a written statement in support of or in opposition to this proposed amendment. Written statements shall be sent to the attention of Joe Walker, Grain Regulatory Services, PO Box 630, 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 2—DEPARTMENT OF AGRICULTURE Division 60—Grain Inspection and Warehousing Chapter 5—Missouri Grain Dealer's Law

PROPOSED AMENDMENT

2 CSR 60-5.080 Letters of Credit. The division is amending section (1), deleting section (5), and renumbering as needed.

PURPOSE: Amending this rule will remove the requirement that an irrevocable letter of credit, provided in lieu of a grain dealer bond, be issued by a bank chartered under the laws of Missouri. Also, the requirement that an irrevocable letter of credit provided in lieu of a grain dealer bond be negotiable only at a financial institution located within Missouri is removed. The International Chamber of Commerce publication which cites rules that issuing banks are to follow is updated to the current publication number.

(1) A letter of credit issued by a commercial bank chartered under the laws of Missouri, **or any other state**, or chartered pursuant to the National Banking Act, Title 12 U.S.C. may be submitted to the Missouri Department of Agriculture in lieu of a Missouri grain dealer bond as required by sections 276.401–276.582, RSMo[;], provided[,] that the commercial bank adopts and adheres to the rules enumerated in the International Chamber of Commerce publication [UCP-500] UCP-600 pertaining to letters of credit and issues those

letters in conformity with Article V of the *Uniform Commercial Code*, section 400.5-101, RSMo. The letter of credit must be in an amount equal to the otherwise required bond.

[(5) All letters of credit must be negotiable at a financial institution located within Missouri.]

[(6)](5) Letters of credit shall have a term of one (1) year which shall be automatically renewable for additional one- (1-) year terms. A letter of credit may be revoked by the licensee or issuer only at its expiration date by giving the Department of Agriculture at least ninety (90) days' written notice, by certified mail, prior to renewal date. Notice is not deemed sufficiently given unless the director of agriculture receives the cancellation notice in writing, by certified mail, at least ninety (90) days prior to the renewal date of the letter of credit. Upon notice timely received, the licensee shall be required to arrange for substitution of a suitable bond or certificate of deposit (CD) at least sixty (60) days prior to the expiration of the letter of credit. If satisfactory evidence of these arrangements is not timely received, the director shall proceed in accordance with the provisions of section 276.426, RSMo.

[(7)](6) If a licensee desires to surrender its license and requests the release of a letter of credit, the licensee must return its grain dealer license and make written request by registered or certified mail with return receipt for the release of the letter of credit. Upon receipt of the written request and the submission of the grain dealer license, the director shall hold the letter of credit until the director is satisfied that no claims exist, which may include a minimum ninety- (90-)/- day holding period, before notice of release is transmitted to the issuer.

[(8)](7) In the event that a licensee desires to substitute a bond for a letter of credit then in possession of the director of agriculture, the letter of credit shall remain in force for a period of ninety (90) days following the later of the effective date of the bond or the date the bond is received by the director. A substitute bond shall be considered as received by the director when the bond is actually received or when a binding verbal commitment for a substitute bond has been accepted by the director. The director may retain the letter of credit beyond ninety (90) days for such time as may be required to fully ascertain the existence of any claims. After that, notice of release shall be transmitted to the issuer of the letter of credit.

[(9)](8) In the event that a licensee desires to substitute a CD for a letter of credit, the director shall transmit a release to the issuer of the credit letter upon receipt and authentication of the CD.

[(10)](9) In the event that a plurality of letters of credit from any number of issuers is presented in satisfaction of a licensee's bonding obligation, the director may satisfy claims under the Missouri Grain Dealer's Law by presentment of sight drafts or letter of demand against one (1) or more letters of credit, without regard to proration.

[(11)](10) A licensee shall be required to augment letters of credit in any situation where it would be required to increase its coverage under a bond; this augmentation shall be commensurate to the increased bond value required. In the event of a decreased bond requirement, a new letter of credit for the lesser amount may be substituted for a prior letter upon the renewal date of the letter of credit, or at such time as approved by the director.

[(12)](11) If the decrease in bond requirement is due to an increase in net worth, a minimum ninety- (90-)/- day holding period may be required from the date the improved net worth is accepted by the director.

[(13)](12) Licensees or prospective licensees may present any com-

ination of CDs, letters of credit, and bonds in satisfaction of its bonding requirement under this chapter; however, in making disbursements for claims, the director shall liquidate the CDs first, draw upon the letters of credit second, and make demand upon a bond(s) third.

[(14)](13) When the director has made written demand for payment of a letter of credit, the letter shall be considered paid if the issuing bank, within three (3) days of the bank's receipt of that demand, pays the sum demanded to the director, the sum demanded or if the issuing bank deposits, at a bank designated by the director, in an escrow account solely in the name of the director within three (3) days of the bank's receipt of that demand. Deposit of the sum demanded in the escrow account shall not constitute refusal or failure of the issuing bank to pay the sum demanded to the director and shall prevent a penalty assessment for refusal or failure to pay the sum demanded to the director. When the sum demanded is deposited in the escrow account, the funds shall remain in the escrow account until the liability of the bank has been determined in accordance with sections 276.401-276.582, RSMo. In the event that a penalty assessment is necessary in accordance with sections 276.401-276.582, RSMo, this penalty assessment shall begin on the fourth day following the date of the bank's receipt of written demand for payment by the director and shall be assessed at the rate of one-seventh (1/7) of a week for each day of delay.

AUTHORITY: sections 276.406 and 276.431, RSMo Supp. [1999] 2000. Emergency rule filed April 15, 1986, effective April 25, 1986, expired Aug. 23, 1986. Original rule filed May 2, 1986, effective Aug. 25, 1986. Amended: Filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999, effective June 30, 2000. Amended: Filed Dec. 29, 2015.

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 submit a written statement in support of or in opposition to this proposed amendment. Written statements shall be sent to the attention of Joe Walker, Grain Regulatory Services, PO Box 630, 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection**

PROPOSED AMENDMENT

2 CSR 90-30.040 Quality Standards for Motor Fuels. The division is amending section (4).

PURPOSE: This amendment is proposed to comply with section 414.300, RSMo, which requires specific labeling for alternative fuels including ethanol flex fuel (E85), ethanol flex fuel blends (E16-E50), and biodiesel-diesel fuel blends. This proposal is consistent with National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality, and the Federal Trade Commission (FTC) 16 CFR Part 306 - Automotive Fuel Ratings, Certification and Posting Rule.

(4) Classification of Petroleum Fuels. When gasoline, illuminating

oils, heating fuels, or other motor fuels are sold or offered for sale in Missouri, the invoice bill of lading, shipping paper, or other documentation must identify the name of the product, the particular grade of the product as designated by ASTM, and, when applicable, the minimum octane (antiknock index) as listed in subsections (4)(A)-(G)/(K) of this section. All retail dispensing devices must conspicuously identify the name of the product, the particular grade of the product as designated, and, when applicable, the minimum octane (antiknock index) as listed as follows:

(A) Automotive gasoline shall be identified by leaded or unleaded and the octane (antiknock index) number. The octane posting shall be in accordance with the Federal Trade Commission (FTC) [octane posting and certification rule] 16 CFR Part 306 - Automotive Fuel Ratings, Certification and Posting Rule;

(B) Gasoline-alcohol blends up to and including ten percent (10%) ethanol shall be identified by leaded or unleaded and the octane number. The octane posting shall be in accordance with FTC [octane posting and certification rule] 16 CFR Part 306 - Automotive Fuel Ratings, Certification and Posting Rule;

(C) Retailers and wholesale purchaser-consumers of gasoline shall comply with the Environmental Protection Agency (EPA) pump labeling requirements for gasoline containing greater than ten (10) volume percent up to fifteen (15) volume percent ethanol (E15) under 40 CFR 80.1501;

(D) Ethanol flex fuel (gasoline greater than fifteen (15) volume percent ethanol) shall be labeled as "Ethanol Flex Fuel." The automotive fuel rating for ethanol flex fuel shall be posted in accordance with 16 CFR Part 306 - Automotive Fuel Ratings, Certification and Posting Rule. The term "E85" is a permissible substitution for product identity for street side posting and dispenser advertising in lieu of the term "Ethanol Flex Fuel" for fuels with an ethanol concentration no less than fifty-one (51) volume percent ethanol and no greater than eighty-three (83) volume percent ethanol;

/(C)/(E) Aviation gasoline shall be identified by Grade 80, Grade 100, or Grade 100LL;

/(D)/(F) Aviation turbine fuels shall be identified by Jet A, Jet A-1, or Jet B;

/(E)/(G) Diesel fuel shall be identified by the grades No. 1-D, No. 2-D, or No. 4-D;

(H) Diesel containing more than five (5) volume percent biodiesel shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306- Automotive Fuel Ratings, Certification and Posting Rule;

(I) Diesel containing biodiesel greater than twenty (20) volume percent shall display a label which states "Consult Vehicle Manufacturer Fuel Recommendations." This label shall be clearly and conspicuously posted on the upper fifty percent (50%) of the dispenser front panel in a type at least six (6) mm (¼ in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied;

/(F)/(J) Fuel oil shall be identified by the grades of No. 1, No. 2, No. 4 (Light), No. 4, No. 5 (Light), No. 5 (Heavy), or No. 6; and

/(G)/(K) Kerosene shall be identified by the grades of No. 1-K or No. 2-K. Grade No. 2-K sold or offered for sale at retail shall also post conspicuously on the front of the dispensing device, the words WARNING—NOT SUITABLE FOR USE IN UNVENTED HEATERS REQUIRING NO. 1-K in one-half inch by one-sixteenth inch (1/2" × 1/16") strokes, block style letters.

AUTHORITY: section 414.142, RSMo 2000, and section 414.300, RSMo Supp. 2015. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 31, 2015.

PUBLIC COST: This proposed amendment will not cost state agen-

cies 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 Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, PO Box 630, Jefferson City, MO 65102. Hand carried copies may be delivered to the Missouri Department of Agriculture Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, 1616 Missouri Blvd, Jefferson City, MO 65109. 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 30—State Tax Commission Chapter 4—Agricultural Land Productive Values

PROPOSED AMENDMENT

12 CSR 30-4.010 Agricultural Land Productive Values. The commission is amending subsections (1)(A)-(D).

PURPOSE: This rule complies with the requirement of section 137.021, RSMo, to publish a range of productive values for agricultural and horticultural land for the ensuing tax year. The commission is amending this rule to adjust the agricultural land values.

(1) Agricultural Land Grades and Values. The following are definitions of agricultural land grades and the productive values of each:

(A) Grade #1. This is prime agricultural land. Condition of soils is highly favorable with no limitations that restrict their use. Soils are deep, nearly level (zero to two percent (0-2%) slope) or gently sloping with low erosion hazard and not subject to damaging overflow. Soils that are consistently wet and poorly drained are not placed in Grade #1. They are easily worked and produce dependable crop yields with ordinary management practices to maintain productivity—both soil fertility and soil structure. They are adapted to a wide variety of crops and suited for intensive cropping. Use value: [one thousand thirty-five dollars (\$1,035)] one thousand eighty-seven dollars (\$1,087);

(B) Grade #2. These soils are less desirable in one (1) or more respects than Grade #1 and require careful soil management, including some conservation practices on upland to prevent deterioration. This grade has a wide range of soils and minimum slopes (mostly zero to five percent (0-5%)) that result in less choice of either crops or management practices. Primarily bottomland and best upland soils. Limitations—

1. Low to moderate susceptibility to erosion;
2. Rare damaging overflows (once in five to ten (5-10) years); and

3. Wetness correctable by drainage. Use value: [eight hundred fifty dollars (\$850)] eight hundred ninety-three dollars (\$893);

(C) Grade #3. Soils have more restrictions than Grade #2. They require good management for best results. Conservation practices are generally more difficult to apply and maintain. Primarily good upland and some bottomland with medium productivity. Limitations—

1. Gentle slope (two to seven percent (2-7%));
2. Moderate susceptibility to erosion;
3. Occasional damaging overflow (once in three to five (3-5) years) of Grades #1 and #2 bottomland; and

4. Some bottomland soils have slow permeability, poor drainage, or both. Use value: [six hundred forty-five dollars (\$645)] six hundred and seventy-seven dollars (\$677);

(D) Grade #4. Soils have moderate limitations to cropping that generally require good conservation practices. Crop rotation normally includes some small grain (for example, wheat or oats), hay, or both. Soils have moderately rolling slopes and show evidence of serious erosion. Limitations—

1. Moderate slope (four to ten percent (4–10%));
2. Grade #1 bottomland subject to frequent damaging flooding (more often than once in two (2) years), or Grades #2 and #3 bottomland subject to occasional damaging flooding (once every three to five (3–5) years);
3. Poor drainage in some cases; and
4. Shallow soils, possibly with claypan or hardpan. Use value: *[four hundred five dollars (\$405)]* **four hundred twenty-five dollars;**

(E) Grade #5. Soils are not suited to continuous cultivation. Crop rotations contain increasing proportions of small grain (for example, wheat or oats), hay, or both. Upland soils have moderate to steep slopes and require conservation practices. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8–20%));
2. Grades #2 and #3 bottomland subject to frequent damaging flooding (more than once in two (2) years) and Grade #4 bottomland subject to occasional damaging flooding; and
3. Serious drainage problems for some soils. Use value: two hundred five dollars (\$205);

(F) Grade #6. Soils are generally unsuited for cultivation and are limited largely to pasture and sparse woodland. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8–20%));
2. Severe erosion hazards present;
3. Grades #3 and #4 bottomland subject to frequent damaging flooding (more than once in two (2) years), and Grade #5 bottomland subject to occasional damaging flooding (once every three to five (3–5) years); and
4. Intensive management required for crops. Use value: one hundred fifty-eight dollars (\$158);

(G) Grade #7. These soils are generally unsuited for cultivation and may have other severe limitations for grazing and forestry that cannot be corrected. Limitations—

1. Very steep slopes (over fifteen percent (15%));
2. Severe erosion potential;
3. Grades #5 and #6 bottomland subject to frequent damaging flooding (more than once in two (2) years);
4. Intensive management required to achieve grass or timber productions; and
5. Very shallow topsoil. Use value: seventy-nine dollars (\$79);

(H) Grade #8. Land capable of only limited production of plant growth. It may be extremely dry, rough, steep, stony, sandy, wet, or severely eroded. Includes rivers, running branches, dry creek, and swamp areas. The lands do provide areas of benefit for wildlife or recreational purposes. Use value: thirty-one dollars (\$31); and

(I) Definitions. The following are definitions of flooding for purposes of this rule:

1. Damaging flooding. A damaging flood is one that limits or affects crop production in one (1) or more of the following ways:
 - A. Erosion of the soil;
 - B. Reduced yields due to plant damage caused by standing or flowing water;
 - C. Reduced crop selection due to extended delays in planting and harvesting; and
 - D. Soil damage caused by sand and rock being deposited on the land by flood waters;
2. Frequent damaging flooding. Flooding of bottomlands that is so frequent that normal row cropping is affected (reduces row crop selection); and
3. Occasional damaging flooding. Flooding of bottomland that is so infrequent that producing normal row crops is not compromised in most years.

(2) Forest Land and Horticultural Land. The following prescribes the treatment of forest land and horticultural land:

(A) Forest land, whose cover is predominantly trees and other woody vegetation, should not be assigned to a land classification grade based on its productivity for agricultural crops. Forest land of two (2) or more acres in area, which if cleared and used for agricultural crops, would fall into land grades #1–#5 should be placed in land grade #6; or if land would fall into land grades #6 or #7 should be placed in land grade #7. Forest land may or may not be in use for timber production, wildlife management, hunting, other outdoor recreation or similar uses; and

(B) Land utilized for the production of horticultural crops should be assigned to a land classification grade based on productivity of the land if used for agricultural crops. Horticultural crops include fruits, ornamental trees and shrubs, flowers, vegetables, nuts, Christmas trees and similar crops which are produced in orchards, nurseries, gardens, or cleared fields.

AUTHORITY: section 137.021, RSMo 2000. Original rule filed Dec. 13, 1983, effective March 12, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 29, 2015.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions sixty-nine thousand, seven hundred fifty dollars (\$69,750) in the aggregate as reflected in the attached fiscal note.

PRIVATE COST: The 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 Sandy Wankum, Administrative Secretary, State Tax Commission, PO Box 146, Jefferson City, MO 65102, (573) 751-2414. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Department of Revenue
Division Title: Division 30 State Tax Commission
Chapter Title: Chapter 4 Agricultural Land Productivity Value

Rule Number and Name:	12 CSR-30.4.010 Agricultural Land Productivity Value
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
114 County Assessors	\$69,750

III. WORKSHEET

The cost of updating productivity grade values would be negligible. The cost of generating notices of increased assessments and mailing them to the taxpayers would be very roughly estimated as follows:

- Approximately 465,000 agricultural assessments would be impacted;
- Estimating that the average agricultural taxpayer with land in grades one through four has four agricultural assessments would reduce the number of impact notices to be mailed to approximately 116,250.
- Estimating the cost to print and mail each notice at \$0.60, the total cost statewide would be \$69,750.

IV. ASSUMPTIONS

This cost is based upon a \$5.50 per \$100 assessed valuation tax levy.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 7—Family Healthcare**

PROPOSED RULE

13 CSR 40-7.060 Show-Me Healthy Babies Program

PURPOSE: This rule establishes the eligibility requirements for the Show-Me Healthy Babies Program, in accordance with section 208.662, RSMo.

(1) Scope. This rule describes the eligibility requirements and coverage for the Show-Me Healthy Babies Program.

(2) For purposes of this section, the following definitions shall apply:

(A) “Affordable insurance” or “affordable health care coverage” shall mean a health insurance plan (employer-sponsored or otherwise) that covers the pregnancy and that requires monthly premiums equal to the amounts described in section 208.640, RSMo and section 1397cc(e)(3)(B) of Title 42, *United States Code*;

(B) “Household” shall have the same definition that appears in 13 CSR 40-7.020;

(C) “Modified adjusted gross income (MAGI)” shall mean income calculated using the same financial methodologies used to determine modified adjusted gross income as defined in section 36B(d)(2)(B), *Internal Revenue Code*, pursuant to the rules and exceptions in 13 CSR 40-7.030;

(D) “Participant” shall mean any individual who has applied for, or is receiving, or has been denied, income maintenance benefits or services through an income maintenance program administered by the Family Support Division (hereinafter, “division”), including an unborn child;

(E) “Post-partum” shall mean healthcare coverage continues until the last day of the month containing the sixtieth day after the termination of pregnancy; and

(F) “Program” shall mean the Show-Me Healthy Babies program, unless described otherwise.

(3) To be eligible for the program, a participant—

(A) Must be the unborn child of a pregnant woman. The pregnancy is verified upon the mother’s (or her representative’s) attestation that she is pregnant. The division may request more verification if information is not reasonably compatible with the participant’s attestation in accordance with section 457.380(e) of Title 42, *Code of Federal Regulations*; and

(B) Must not be eligible for any other non-Children’s Health Insurance Program (CHIP), MO HealthNet program that covers the pregnancy and does not require a premium or a spend-down in exchange for coverage; and

(C) Must not have insurance that covers the same pregnancy-related services as this program; and

(D) If not insured, does not have access to affordable insurance that covers the same pregnancy-related services as this program; and

(E) Must be in a household with a modified adjusted gross income no greater than three hundred percent (300%) of the federal poverty level, subject to the rules and exceptions in 13 CSR 40-7.030 and the verification requirements in 13 CSR 40-7.040.

(4) Coverage.

(A) This program provides to unborn children and their mothers the same coverage afforded to pregnant women under section 1397ll(d)(1) of Title 42, *United States Code*. This coverage includes but is not limited to—

1. Coverage effective no earlier than the month of conception;
2. Post-partum coverage for the mother that continues through the end of the month, in which the sixtieth day after the pregnancy

ended occurs, provided the mother applied for services in the program while pregnant with the child.

(B) Participants in this program are not eligible for automatic, extended women’s health services pursuant to 13 CSR 70-4.090.

(C) Children born to participants covered under this program are eligible for continuing coverage for one (1) year after the birth, under the applicable CHIP level of care. During this period, no premium shall be applied, regardless of the level of care.

(D) There is no waiting period for participants to receive coverage once they are determined eligible for the program, regardless of the household’s level of income.

AUTHORITY: sections 207.022 and 208.662, RSMo Supp. 2014. Original rule filed Dec. 23, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Family Support Division, Julie Gibson, Director, PO Box 2320 Jefferson City, MO 65102-2320. 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.

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 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 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 3—Higher Educational Residency Determination**

ORDER OF RULEMAKING

By the authority vested in the Department of Higher Education under section 173.1150.3, RSMo Supp. 2013, the department amends a rule as follows:

6 CSR 10-3.010 Determination of Student Residency is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1533). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission amends a rule as follows:

10 CSR 10-6.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1142-1154). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received four (4) comments from two (2) sources: the Regulatory Environmental Group for Missouri (REGFORM) and General Motors (GM).

COMMENT #1: REGFORM expressed strong support for the fee proposal and thanked the department's Air Pollution Control Program staff for developing a fair permit fee system. The commenter also acknowledged the new permit fees are the result of a two (2)-year consensus-driven stakeholder process that was consistent with the intent of Senate Bill 642 (2014) and included ample outreach to affected sources. RESPONSE: The program appreciates the positive feedback.

Due to the similarity in the following two (2) comments, one (1) response is presented.

COMMENT #2: REGFORM suggested the program reduce the renewal fee for Plantwide Applicability Limit (PAL) permits from five thousand dollars (\$5,000) to half that amount since the hard work on the permit will have been done in the first issuance of the PAL permit.

COMMENT #3: GM suggested the program reduce the renewal fee for PAL permits to two thousand five hundred dollars (\$2,500) or less since the renewals are due once every ten (10) years and require significantly less effort and resources than the initial permit.

RESPONSE AND EXPLANATION OF CHANGE: As a result of these comments, the program is changing the ten (10)-year renewal filing fee for PAL permits to two thousand five hundred dollars (\$2,500). The filing fee assists in covering work prior to the receipt of an application and with a PAL renewal there is less work prior to the receipt of an application. PAL permits are reviewed and processed as a construction permit and therefore an hourly review fee is also charged.

COMMENT #4: GM requested that the fee table in subsection (10)(A) be amended to include additional separate entries for PAL permit applications and renewals.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the program revised the table as suggested and revised the fiscal notes as well to reflect the change.

10 CSR 10-6.060 Construction Permits Required

(10) Permit Fees and Amendments.

(A) Permit Fees.

Permit Application Type	Rule Section Reference	Filing Fee		Processing Fee	
		Existing	Effective Jan. 1, 2017	Existing	Effective Jan. 1, 2017
Portable Source Relocation Request	(4)	\$200	\$300	----	----
De minimis	(5)	\$100	\$250	\$50/hr	\$75/hr
Minor	(6)	\$100	\$250	\$50/hr	\$75/hr
NSR	(7)	\$100	\$5,000	\$50/hr	\$75/hr
PSD	(8)	\$100	\$5,000	\$50/hr	\$75/hr
HAP	(9)	\$100	\$5,000	\$50/hr	\$75/hr
Initial PAL	(7) or (8)	\$100	\$5,000	\$50/hr	\$75/hr
Renewal PAL	(7) or (8)	\$100	\$2,500	\$50/hr	\$75/hr
Temporary/Pilot	(3)	\$100	\$250	\$50/hr	\$75/hr
Permit Amendment	(10)	----	----	\$50/hr	\$75/hr

1. All installations or source operations requiring permits under this rule must submit the application with a permit filing fee to the permitting authority. Failure to submit the permit filing fee constitutes an incomplete permit application according to paragraph (12)(A)2. of this rule.

2. Upon receipt of an application for a permit or a permit amendment, a permit processing fee begins to accrue per hour of actual staff time. In lieu of the per-hour processing fee for projects subject to paragraph (4)(D)1. of this rule, a flat fee as specified in subsection (10)(A) of this rule must be submitted by the applicant.

3. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is approved, denied, withdrawn, or not needed. After the ninety (90) calendar days, the unpaid processing fees shall have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit applications by the same applicant until the processing fee plus interest have been paid.

4. In addition to permit filing and processing fees, the applicant shall pay for any publication of notice required and shall pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, of any hearing required under this rule. No permit shall be issued until all publication and transcript costs have been paid.

5. Partially processed permits that are withdrawn after submittal shall be charged at the same processing fee rate in subsection (10)(A) of this rule for the time spent processing the application.

6. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.

7. Any person who obtains a valid permit from a city or county holding a certificate of authority granted by the commission under 643.140, RSMo, shall be deemed to have met the fee requirements of this section for that permit.

REVISED PUBLIC COST: This proposed amendment will cost three thousand nine hundred sixty-five dollars (\$3,965) in FY 2017. For the years after FY 2017, the total annual aggregate cost is seven thousand nine hundred thirty dollars (\$7,930) for the life of the rule. Note the attached fiscal note for assumptions that apply. The public cost has not changed from the proposed cost, but the fiscal note has been revised to separate the plantwide applicability limit permit fees from the major source permit filing fees.

REVISED PRIVATE COST: This proposed amendment will cost seventy thousand six hundred eighty-five dollars (\$70,685) in FY 2017. For the years after FY 2017, the total annual aggregate cost is one hundred forty-one thousand three hundred seventy dollars (\$141,370) for the life of the rule. Note the attached fiscal note for assumptions that apply. The private cost decreased to reflect the reduced plantwide applicability limit renewal fee.

**REVISED FISCAL NOTE
PUBLIC COST**

- I. Department Title:** 10 – Department of Natural Resources
- Division Title:** 10 – Air Conservation Commission
- Chapter Title:** 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Name:	10 CSR 10-6.060 Construction Permits Required
Type of Rulemaking:	Amendment to an Existing Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
2,013 Total Facilities of which 121 are Public Entities (See Table D.)	\$ 7,930 Annualized Aggregate \$ 39,650 For Projected 5-Year Life

III. WORKSHEET

The following Construction Permits Fee Information and Table A includes combined public and private entity proposed fee adjustment information presented at the May 26, 2015 fee stakeholder meeting.

Construction Permit Fee Information

Current Average Annual Revenue from Portable Source Filing Fees (3-Year Average) = \$13,700
 Current Portable Source Filing Fee = \$200
 Proposed Portable Source Filing Fee = \$300

Current Average Annual Revenue from Construction Permit Review Fees (3-Year Average) = \$173,300
 Current Construction Permit Review Fee (Per Hour) = \$50
 Proposed Construction Permit Review Fee (Per Hour) = \$75

Current Average Annual Revenue from De Minimis and Minor Source Construction Permit Filing Fees (3-Year Average) = \$26,800
 Current De Minimis and Minor Source Construction Permit Filing Fee = \$100
 Proposed De Minimis and Minor Source Construction Permit Filing Fee = \$250

Current Average Annual Revenue from Major Source Construction Permit Filing Fees (3-Year Average) = \$400
 Current Major Source Construction Permit Filing Fee = \$100
 Proposed Major Source Construction Permit Filing Fee = \$5,000
 Current Initial Plantwide Applicability Limit (PAL) Filing Fee = \$100
 Proposed Initial Plantwide Applicability Limit (PAL) Filing Fee = \$5,000
 Current Plantwide Applicability Limit (PAL) 10-Year Renewal Filing Fee = \$100
 Proposed Plantwide Applicability Limit (PAL) 10-Year Renewal Filing Fee = \$2,500

Table A: Combined Public and Private Projected Revenue

Fiscal Year	Type of Fee	Number of Permits/ Applications/ Hours	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2017 (1/1 - 6/30/17)	Relocation Filing Fee (Portable Sources)	35	\$10,350	\$6,900	\$3,450
2017 (1/1 - 6/30/17)	Permit Review Fee	1,733	\$128,975	\$86,650	\$43,325
2017 (1/1 - 6/30/17)	De Minimis/Minor/Temporary Permit Filing Fee	134	\$33,500	\$13,400	\$20,100
2017 (1/1 - 6/30/17)	Major Permit Filing Fee	2	\$10,000	\$200	\$9,800
2017 (1/1 - 6/30/17)	Initial PAL Filing Fee	0	\$0	\$0	\$0
2017 (1/1 - 6/30/17)	PAL 10-Year Renewal Filing Fee	0	\$0	\$0	\$0
2018	Relocation Filing Fee (Portable Sources)	69	\$20,700	\$13,800	\$6,900
2018	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2018	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2018	Major Permit Filing Fee	3	\$15,000	\$300	\$14,700
2018	Initial PAL Filing Fee	0	\$0	\$0	\$0
2018	PAL 10-Year Renewal Filing Fee	1	\$2,500	\$100	\$2,400
2019	Relocation Filing Fee (Portable Sources)	69	\$20,550	\$13,700	\$6,850
2019	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2019	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2019	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2019	Initial PAL Filing Fee	0	\$0	\$0	\$0
2019	PAL 10-Year Renewal Filing Fee	0	\$0	\$0	\$0
2020	Relocation Filing Fee (Portable Sources)	69	\$20,550	\$13,700	\$6,850
2020	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2020	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2020	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2020	Initial PAL Filing Fee	0	\$0	\$0	\$0
2020	PAL 10-Year Renewal Filing Fee	0	\$0	\$0	\$0
2021	Relocation Filing Fee (Portable Sources)	69	\$20,550	\$13,700	\$6,850
2021	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2021	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2021	Major Permit Filing Fee	2	\$10,000	\$200	\$9,800
2021	Initial PAL Filing Fee	0	\$0	\$0	\$0
2021	PAL 10-Year Renewal Filing Fee	2	\$5,000	\$200	\$4,800
2022 (7/1 - 12/31/21)	Relocation Filing Fee (Portable Sources)	35	\$10,350	\$6,900	\$3,450
2022 (7/1 - 12/31/21)	Permit Review Fee	1,733	\$128,975	\$86,650	\$43,325
2022 (7/1 - 12/31/21)	De Minimis/Minor/Temporary Permit Filing Fee	134	\$33,500	\$13,400	\$20,100
2022 (7/1 - 12/31/21)	Major Permit Filing Fee	1	\$5,000	\$100	\$4,900
2022 (7/1 - 12/31/21)	Initial PAL Filing Fee	0	\$0	\$0	\$0
2022 (7/1 - 12/31/21)	PAL 10-Year Renewal Filing Fee	1	\$2,500	\$100	\$2,400
Cost projected over 5 years			\$1,825,300	\$1,071,060	\$754,175

The following two tables contain only public entity proposed fee adjustment information.

Table B: Public Entity Projected Total Permit Fees Collected (with new fees)

	Public Entity Projected Total Permit Fees Collected (with new fees)						5-Year Cost
	FY2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	
Number of Portable Source Relocation Applications	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of Permit Review Hours	87	173	173	173	173	87	--
Fees Collected	\$6,525	\$12,975	\$12,975	\$12,975	\$12,975	\$6,525	\$64,950
Number of De Minimis or Minor Construction Permit Applications	12	24	24	24	24	12	--
Fees Collected	\$3,000	\$6,000	\$6,000	\$6,000	\$6,000	\$3,000	\$30,000
Number of Major Construction Permit Applications	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of Initial PAL Applications	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of PAL 10-Year Renewals	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Fees With New Fee							\$94,950

Table C: Public Entity Projected Total Permit Fees Collected (with existing fees)

	Public Entity Projected Total Permit Fees Collected (with existing fees)						5-Year Cost
	FY2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	
Number of Portable Source Relocation Applications	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of Permit Review Hours	87	173	173	173	173	87	--
Fees Collected	\$4,350	\$8,650	\$8,650	\$8,650	\$8,650	\$4,350	\$43,300
Number of De Minimis or Minor Construction Permit Applications	12	24	24	24	24	12	--
Fees Collected	\$1,200	\$2,400	\$2,400	\$2,400	\$2,400	\$1,200	\$12,000
Number of Major Construction Permit Applications	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of Initial PAL Applications	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of PAL 10-Year Renewals	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Fees With Existing Fee							\$55,300

5-Year Aggregate Increase in Construction Permit Fee Amount Collected: \$39,650

Annualized Aggregate Construction Permit Fee Cost For This Amendment**: \$7,950

*The first full fiscal year for this rulemaking is 2018.

**Difference in estimated annualized aggregate costs when raising construction permit fees as follows:
 Portable Source Relocation >> \$200 fee to \$300.
 Permit Review >> \$50 fee to \$75.
 De Minimis and Minor Permit >> \$100 fee to \$250.
 Major Permit >> \$100 fee to \$5000.
 Initial PAL Permit >> \$100 fee to \$5000.
 PAL 10-Year Renewal >> \$100 fee to \$2500.

Table D: Public Entities with an Air Permit

Major Group SIC Code	SIC Description	Entities with Air Permits
49	ELECTRIC, GAS, AND SANITARY SERVICES	73
80	HEALTH SERVICES	16
82	EDUCATIONAL SERVICES	10
97	NATIONAL SECURITY AND INTERNATIONAL AFFAIRS	7
45	TRANSPORTATION BY AIR	3
72	PERSONAL SERVICES	2
27	PRINTING, PUBLISHING AND ALLIED INDUSTRIES	1
29	PETROLEUM REFINERIES AND RELATED INDUSTRIES	1
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY & TRANSPORT EQUIPMENT	1
43	UNITED STATES POSTAL SERVICE	1
75	AUTOMOTIVE REPAIR SERVICES AND PARKING	1
79	AMUSEMENT AND RECREATION SERVICES	1
83	SOCIAL SERVICES	1
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT & RELATED SERVICES	1
91	EXECUTIVE, LEGISLATIVE & GENERAL GOVERNMENT, EXCEPT FINANCE	1
95	ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS	1
TOTAL		121

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The estimated number of facilities affected by this rulemaking listed in part II and Table D is based on the Air Program's Missouri Emissions Inventory System (MoEIS) database. The total number of active facilities with an air permit recorded in the MoEIS as of July 24, 2015 is 2,013, of which 121 are public entities. Since it is not possible to know with any certainty which existing or new facilities will obtain construction permits in the future, we are using the universe of operating facilities with active air permits as a representation of the potentially affected sources and types of industry. Table D shows the number of facilities by industry type in the state that could be affected by the proposed permit fee increase if a facility needs a construction permit. An existing facility could need a construction permit for modifications and may obtain multiple construction permits throughout the life of the business. A new facility would need a construction permit to begin construction. Additional industries not listed in the Table D could be affected if a facility representing an industry new to the state constructs.
3. The Construction Permits Fee Information and Table A reflect combined public and private entity information in order to be consistent with the department's budget information.
4. Portable source filing fees are based on \$300 per filing effective January 1, 2017. This fee represents a \$100 increase from the fee of \$200 per filing prior to January 1, 2017.
5. Construction permit review fees are based on a \$75 per hour fee effective January 1, 2017. This fee represents a \$25 increase from the fee of \$50 per hour prior to January 1, 2017. Since the last stakeholder meeting on May 26, 2015, the Air Program received additional stakeholder input resulting in lowering the previously discussed \$100 hourly review fee to \$75. Review fees also apply to amended and temporary permits; initial and 10-year renewal plantwide area limit (PAL) permits; in addition to de minimis, minor, and major construction permits.
6. De minimis and minor permit filing fees are based on \$250 per filing effective January 1, 2017. This fee represents a \$150 increase from the fee of \$100 per filing prior to January 1, 2017.

7. Major permit filing fees, including initial PAL permits, are based on \$5,000 per filing effective January 1, 2017. This fee represents a \$4,900 increase from the fee of \$100 per filing prior to January 1, 2017. The 10-year renewal filing fees for PAL permits are based on \$2,500 per renewal effective January 1, 2017. This fee represents a \$2,400 increase from the fee of \$100 per 10-year renewal prior to January 1, 2017.
8. The numbers for each type of permit in Table A were derived by dividing total annual revenue collected from construction permit applications by the current \$100 filing fee and then averaging for 3 years to account for normal fluctuation from year to year. This figure was broken down into categories of de minimis/minor/temporary and major based on the average annual number of construction permit applications by type received during FY2012-2014. The number of portable relocations was calculated by dividing the 3-year average annual revenue collected from portable relocation requests by the current \$200 fee. The number of review hours was calculated using the same method of dividing total annual revenue by the \$50 per hour review fee and then averaging three years. Fiscal years 2012 through 2014 were used for the three-year averages. For the purpose of this fiscal note, these averages are assumed to remain constant through fiscal year 2022.
9. Fee collection amounts for FY2017 through 2022 are based on a yearly average of 69 applications to relocate portable sources of which all are estimated to be private entities; 3,466 construction permit review hours of which 173 are estimated to be public entities and 3,293 are estimated to be private entities; 268 de minimis and minor permits of which 24 are estimated to be public entities and 244 are estimated to be private entities; and 4 major permits per year all of which are estimated to be private entities, but it is possible for a public entity to need a major construction permit. The numbers of private versus public entities is based on data from MoEIS as of July 24, 2015.
10. The fees collected are uniformly distributed throughout the fiscal years with exception of renewal PAL fees that are distributed in the fiscal year when 10-year renewals are expected to be due.
11. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
12. Note that numbers in the tables appear as whole numbers, but actual numbers may include decimal places sometimes causing a variance in totals.

**REVISED FISCAL NOTE
PRIVATE COST**

- I. Department Title:** 10 – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Title:	10 CSR 10-6.060 Construction Permits Required
Type of Rulemaking:	Amendment to an Existing Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,013 Total Facilities of which 1,892 are Private Entities (See Table D)	See Table D	\$ 141,370 Annualized Aggregate \$ 706,850 For Projected 5-Year Life

III. WORKSHEET

The following Construction Permits Fee Information and Table A includes combined public and private entity proposed fee adjustment information.

Construction Permit Fee Information

Current Average Annual Revenue from Portable Source Filing Fees (3-Year Average) = \$13,700
 Current Portable Source Filing Fee = \$200
 Proposed Portable Source Filing Fee = \$300

Current Average Annual Revenue from Construction Permit Review Fees (3-Year Average) = \$173,300
 Current Construction Permit Review Fee (Per Hour) = \$50
 Proposed Construction Permit Review Fee (Per Hour) = \$75

Current Average Annual Revenue from De Minimis and Minor Source Construction Permit Filing Fees (3-Year Average) = \$26,800
 Current De Minimis and Minor Source Construction Permit Filing Fee = \$100
 Proposed De Minimis and Minor Source Construction Permit Filing Fee = \$250

Current Average Annual Revenue from Major Source Construction Permit Filing Fees (3-Year Average) = \$400
 Current Major Source Construction Permit Filing Fee = \$100
 Proposed Major Source Construction Permit Filing Fee = \$5,000
 Current Initial Plantwide Applicability Limit (PAL) Filing Fee = \$100
 Proposed Initial Plantwide Applicability Limit (PAL) Filing Fee = \$5,000
 Current Plantwide Applicability Limit (PAL) 10-Year Renewal Filing Fee = \$100
 Proposed Plantwide Applicability Limit (PAL) 10-Year Renewal Filing Fee = \$2,500

Table A: Combined Public and Private Projected Revenue

Fiscal Year	Type of Fee	Number of Permits/ Applications/ Hours	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2017 (1/1 - 6/30/17)	Relocation Filing Fee (Portable Sources)	35	\$10,350	\$6,850	\$3,495
2017 (1/1 - 6/30/17)	Permit Review Fee	1,733	\$129,975	\$86,650	\$43,325
2017 (1/1 - 6/30/17)	De Minimis/Minor/Temporary Permit Filing Fee	134	\$33,500	\$13,400	\$20,100
2017 (1/1 - 6/30/17)	Major Permit Filing Fee	2	\$10,000	\$200	\$8,800
2017 (1/1 - 6/30/17)	Initial PAL Filing Fee	0	\$0	\$0	\$0
2017 (1/1 - 6/30/17)	PAL 10-Year Renewal Filing Fee	0	\$0	\$0	\$0
2018	Relocation Filing Fee (Portable Sources)	69	\$20,700	\$13,800	\$6,900
2018	Permit Review Fee	3,466	\$259,850	\$173,300	\$86,650
2018	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2018	Major Permit Filing Fee	3	\$15,000	\$300	\$14,700
2018	Initial PAL Filing Fee	0	\$0	\$0	\$0
2018	PAL 10-Year Renewal Filing Fee	1	\$2,500	\$100	\$2,400
2019	Relocation Filing Fee (Portable Sources)	60	\$20,550	\$13,700	\$6,850
2019	Permit Review Fee	3,466	\$259,850	\$173,300	\$86,650
2019	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2019	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2019	Initial PAL Filing Fee	0	\$0	\$0	\$0
2019	PAL 10-Year Renewal Filing Fee	0	\$0	\$0	\$0
2020	Relocation Filing Fee (Portable Sources)	69	\$20,550	\$13,700	\$6,850
2020	Permit Review Fee	3,466	\$259,850	\$173,300	\$86,650
2020	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2020	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2020	Initial PAL Filing Fee	0	\$0	\$0	\$0
2020	PAL 10-Year Renewal Filing Fee	0	\$0	\$0	\$0
2021	Relocation Filing Fee (Portable Sources)	68	\$20,550	\$13,700	\$6,850
2021	Permit Review Fee	3,466	\$259,850	\$173,300	\$86,650
2021	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2021	Major Permit Filing Fee	2	\$10,000	\$200	\$8,800
2021	Initial PAL Filing Fee	0	\$0	\$0	\$0
2021	PAL 10-Year Renewal Filing Fee	2	\$5,000	\$200	\$4,800
2022 (1/1 - 12/31/21)	Relocation Filing Fee (Portable Sources)	35	\$10,350	\$6,850	\$3,495
2022 (1/1 - 12/31/21)	Permit Review Fee	1,733	\$129,975	\$86,650	\$43,325
2022 (1/1 - 12/31/21)	De Minimis/Minor/Temporary Permit Filing Fee	134	\$33,500	\$13,400	\$20,100
2022 (1/1 - 12/31/21)	Major Permit Filing Fee	1	\$5,000	\$100	\$4,900
2022 (1/1 - 12/31/21)	Initial PAL Filing Fee	0	\$0	\$0	\$0
2022 (1/1 - 12/31/21)	PAL 10-Year Renewal Filing Fee	1	\$2,500	\$100	\$2,400
Cost projected over 5 years			\$1,825,300	\$1,071,050	\$754,175

The following two tables contain only private entity proposed fee adjustment information.

Table B: Private Entity Projected Total Permit Fees Collected (with new fees)

	Private Entity Projected Total Permit Fees Collected (with new fees)						
	FY 2017 (1/1 - 6/30/17)	FY 2018*	FY 2019	FY 2020	FY 2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Number of Portable Source Relocation Applications	35	69	69	69	69	35	--
Fees Collected	\$10,350	\$20,700	\$20,556	\$20,550	\$20,550	\$10,350	\$103,050
Number of Permit Review Hours	1646	3293	3293	3293	3293	1646	--
Fees Collected	\$123,450	\$246,975	\$246,975	\$246,975	\$246,975	\$123,450	\$1,234,800
Number of De Minimis or Minor Construction Permit Applications	122	244	244	244	244	122	--
Fees Collected	\$30,500	\$61,000	\$61,000	\$61,000	\$61,000	\$30,500	\$305,000
Number of Major Construction Permit Applications	2	3	4	4	2	1	--
Fees Collected	\$10,000	\$15,000	\$20,000	\$20,000	\$10,000	\$5,000	\$80,000
Number of Initial PAL Applications	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of PAL 10-Year Renewals	0	1	0	0	2	1	--
Fees Collected	\$0	\$2,500	\$0	\$0	\$5,000	\$2,500	\$10,000
						Total Fees With New Fee	\$1,722,850

Table C: Private Entity Projected Total Permit Fees Collected (with existing fees)

	Private Entity Projected Total Permit Fees Collected (with existing fees)						
	FY 2017 (1/1 - 6/30/17)	FY 2018*	FY 2019	FY 2020	FY 2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Number of Portable Source Relocation Applications	35	69	69	69	69	35	--
Fees Collected	\$7,000	\$13,800	\$13,800	\$13,800	\$13,800	\$7,000	\$69,200
Number of Permit Review Hours	1646	3293	3293	3293	3293	1646	--
Fees Collected	\$82,300	\$164,650	\$164,650	\$164,650	\$164,650	\$82,300	\$823,200
Number of De Minimis or Minor Construction Permit Applications	122	244	244	244	244	122	--
Fees Collected	\$12,200	\$24,400	\$24,400	\$24,400	\$24,400	\$12,200	\$122,000
Number of Major Construction Permit Applications	2	3	4	4	2	1	--
Fees Collected	\$200	\$300	\$400	\$400	\$200	\$100	\$1,500
Number of Initial PAL Applications	0	0	0	0	0	0	--
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of PAL 10-Year Renewals	0	1	0	0	2	1	--
Fees Collected	\$0	\$100	\$0	\$0	\$200	\$100	\$400
						Total Fees With Existing Fee	\$1,016,000

5 Year Aggregate Increase in Construction Permit Fee Amount Collected \$706,850

Annualized Aggregate Construction Permit Fee Cost For This Amendment** \$141,370

*The first full fiscal year for this rulemaking is 2018

**Difference in estimated annualized aggregate costs when raising construction permit fees as follows:

- Portable Source Relocation >>> \$200 fee to \$300.
- Permit Review >>> \$50 fee to \$75.
- De Minimis and Minor Permit >>> \$100 fee to \$250.
- Major Permit >>> \$100 fee to \$500.
- Initial PAL Permit >>> \$100 fee to \$500.
- PAL 10-Year Renewal >>> \$100 fee to \$250.

Table D: Private Entities with an Air Permit

Major Group SIC Code	SIC Description	Entities with Air Permits
32	STONE, CLAY, GLASS, AND CONCRETE PRODUCTS	277
14	MINING AND QUARRYING OF NONMETALLIC MINERALS, EXCEPT FUELS	230
51	WHOLESALE TRADE - NONDURABLE GOODS	184
28	CHEMICALS AND ALLIED PRODUCTS	135
49	ELECTRIC, GAS, AND SANITARY SERVICES	127
20	FOOD AND KINDRED PRODUCTS	123
72	PERSONAL SERVICES	91
29	PETROLEUM REFINERIES AND RELATED INDUSTRIES	70
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY & TRANSPORT EQUIPMENT	66
30	RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS	51
24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	58
37	TRANSPORTATION EQUIPMENT	54
33	PRIMARY METAL INDUSTRIES	44
27	PRINTING, PUBLISHING AND ALLIED INDUSTRIES	41
07	AGRICULTURAL SERVICES	39
35	INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT	39
80	HEALTH SERVICES	35
26	PAPER AND ALLIED PRODUCTS	21
42	MOTOR FREIGHT TRANSPORTATION	19
36	ELECTRONIC, ELECTRICAL EQUIPMENT AND COMPONENTS, EXCEPT COMPUTER EQUIPMENT	18
50	WHOLESALE TRADE - DURABLE GOODS	18
46	PIPELINES, EXCEPT NATURAL GAS	15
25	FURNITURE AND FIXTURES	14
92	JUSTICE, PUBLIC ORDER AND SAFETY	14
10	METAL MINING	9
39	MISCELLANEOUS MANUFACTURING INDUSTRIES	9
73	BUSINESS SERVICES	9
75	AUTOMOTIVE REPAIR, SERVICES AND PARKING	9
44	WATER TRANSPORTATION	8
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT & RELATED SERVICES	8
82	EDUCATIONAL SERVICES	7
48	COMMUNICATIONS	6
31	LEATHER AND LEATHER PRODUCTS	5
76	MISCELLANEOUS REPAIR SERVICES	4
02	AGRICULTURAL PRODUCTION - LIVESTOCK AND ANIMAL SPECIALTIES	3
17	CONSTRUCTION - SPECIAL TRADE CONTRACTORS	3
12	COAL MINING	2
13	OIL AND GAS EXTRACTION	2
45	TRANSPORTATION BY AIR	2
47	TRANSPORTATION SERVICES	2
79	AMUSEMENT AND RECREATION SERVICES	2
01	AGRICULTURAL PRODUCTION - CROPS	1
16	HEAVY CONSTRUCTION, EXCEPT BUILDING CONSTRUCTION - CONTRACTORS	1
23	APPAREL, FINISHED PRODUCTS FROM FABRICS & SIMILAR MATERIALS	1
38	MEDICAL/ANALYTICAL/CONTROL INSTRUMENTS; PHOTOMEDICAL/OPTICAL GOODS; WATCH/CLOCKS	1
41	LOCAL, SUBURBAN TRANSIT & INTERSUBURBAN HIGHWAY PASSENGER TRANSPORT	1
52	BUILDING MATERIALS, HARDWARE, GARDEN SUPPLY & MOBILE HOME DEALERS	1
55	AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS	1
82	SECURITY & COMMODITY BROKERS, DEALERS, EXCHANGES & SERVICES	1
65	REAL ESTATE	1
TOTAL		1892

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The estimated number of facilities affected by this rulemaking listed in part II and Table D is based on the Air Program's Missouri Emissions Inventory System (MoEIS) database. The total number of active facilities with an air permit recorded in the MoEIS as of July 24, 2015 is 2,013, of which 1,892 are private entities. Since it is not possible to know with any certainty which existing or new facilities will obtain construction permits in the future, we are using the universe of operating facilities with active air permits as a representation of the potentially affected sources and types of industry. Table D shows the number of facilities by industry type in the state that could be affected by the proposed permit fee increase if a facility needs a construction permit. An existing facility could need a construction permit for modifications and may obtain multiple construction permits throughout the life of the business. A new facility would need a construction permit to begin construction. Additional industries not listed in the Table D could be affected if a facility representing an industry new to the state constructs.
3. The Construction Permits Fee Information and Table A reflect combined public and private entity information in order to be consistent with the department's budget information.
4. Portable source filing fees are based on \$300 per filing effective January 1, 2017. This fee represents a \$100 increase from the fee of \$200 per filing prior to January 1, 2017.
5. Construction permit review fees are based on a \$75 per hour fee effective January 1, 2017. This fee represents a \$25 increase from the fee of \$50 per hour prior to January 1, 2017. Since the last stakeholder meeting on May 26, 2015, the Air Program received additional stakeholder input resulting in lowering the previously discussed \$100 hourly review fee to \$75. Review fees also apply to amended and temporary permits; initial and 10-year renewal plantwide area limit (PAL) permits; in addition to de minimis, minor, and major construction permits.
6. De minimis and minor permit filing fees are based on \$250 per filing effective January 1, 2017. This fee represents a \$150 increase from the fee of \$100 per filing prior to January 1, 2017.

7. Major permit filing fees, including initial PAL permits, are based on \$5,000 per filing effective January 1, 2017. This fee represents a \$4,900 increase from the fee of \$100 per filing prior to January 1, 2017. The 10-year renewal filing fees for PAL permits are based on \$2,500 per renewal effective January 1, 2017. This fee represents a \$2,400 increase from the fee of \$100 per 10-year renewal prior to January 1, 2017.
8. The numbers for each type of permit in Table A were derived by dividing total annual revenue collected from construction permit applications by the current \$100 filing fee and then averaging for 3 years to account for normal fluctuation from year to year. This figure was broken down into categories of de minimis/minor/temporary and major based on the average annual number of construction permit applications by type received during FY2012-2014. The number of portable relocations was calculated by dividing the 3-year average annual revenue collected from portable relocation requests by the current \$200 fee. The number of review hours was calculated using the same method of dividing total annual revenue by the \$50 per hour review fee and then averaging three years. Fiscal years 2012 through 2014 were used for the three-year averages. For the purpose of this fiscal note, these averages are assumed to remain constant through fiscal year 2022.
9. Fee collection amounts for FY2017 through 2022 are based on a yearly average of 69 applications to relocate portable sources of which all are estimated to be private entities; 3,466 construction permit review hours of which 173 are estimated to be public entities and 3,293 are estimated to be private entities; 268 de minimis and minor permits of which 24 are estimated to be public entities and 244 are estimated to be private entities; and 4 major permits per year all of which are estimated to be private entities, but it is possible for a public entity to need a major construction permit. The numbers of private versus public entities is based on data from MoEIS as of July 24, 2015.
10. The fees collected are uniformly distributed throughout the fiscal years with exception of renewal PAL fees that are distributed in the fiscal year when 10-year renewals are expected to be due.
11. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
12. Note that numbers in the tables appear as whole numbers, but actual numbers may include decimal places sometimes causing a variance in totals.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission amends a rule as follows:

10 CSR 10-6.065 Operating Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1155–1172). 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: The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received one (1) comment from one (1) source: the Regulatory Environmental Group for Missouri (REGFORM).

COMMENT #1: REGFORM expressed strong support for the fee proposal and thanked the department's Air Pollution Control Program staff for developing a fair permit fee system. The commenter also acknowledged the new permit fees are the result of a two (2)-year consensus-driven stakeholder process that was consistent with the intent of Senate Bill 642 (2014) and included ample outreach to affected sources.

RESPONSE: The program appreciates the positive feedback.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 1—Organization, Purpose, and Definitions

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-1.010 Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1420). 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: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 1—Organization, Purpose, and Definitions

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-1.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1420–1421). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were made at the public hearing. The department received one (1) written comment during the comment period.

COMMENT #1: A Geological Survey Program staff member commented that subsection (7)(B) contains an incorrect reference; the reference to subsection (9)(A) should be corrected to reference subsection (7)(A) instead.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (7)(B) will be changed to correct the reference.

10 CSR 50-1.020 General Procedures

(7) Confidentiality. Information gathered pursuant to Chapter 259, RSMo, and implementing regulations is public record pursuant to the Missouri Sunshine law, Chapter 610, RSMo. Confidentiality may be granted upon request, in accordance with section 640.155.1, RSMo. Cancelled permits are not considered confidential.

(B) All rights to confidentiality shall be lost if the filings are not timely, as provided in 10 CSR 50-2.050, or if the request for confidentiality is not timely, as provided in subsection (7)(A).

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 1—Organization, Purpose, and Definitions

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-1.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1421–1424). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were made at the public hearing. The department received one (1) written comment during the comment period.

COMMENT #1: A Geological Survey Program staff member commented that in paragraph (1)(O)2. the reference to 10 CSR 50-2.060(3)(E) should be corrected to reference 10 CSR 50-2.060(3)(F).

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (1)(O)2. will be changed.

10 CSR 50-1.030 Definitions

(1) The terms used in 10 CSR 50 shall have the meanings set forth in section 259.050, RSMo, or this rule, unless the context of the term clearly indicates otherwise.

(O) Terms beginning with the letter O.

1. Oil, crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas, other than gas produced in association with oil and commonly known as casinghead gas. The term shall also include hydrocarbons that do not flow to a wellhead but are produced by other means, including those contained in oil-shale and oil-sand.

2. Oil and Gas Remedial Fund, the fund established by section 259.190.5, RSMo into which forfeited bond monies and proceeds from the sale of illegal oil, illegal gas, and illegal product are deposited, which is to be used for plugging abandoned wells as provided for in 10 CSR 50-2.060(3)(F).

3. Oil and Gas Resources Fund, the fund established by section 259.052, RSMo, into which all gifts, donations, transfers, moneys appropriated by the General Assembly, permit application fees, operating fees, closure fees, late fees, severance fees, and bequests are deposited, which is to be used to administer the provisions of Chapter 259, RSMo, and implementing regulations, and to collect, process, manage, interpret, and distribute geologic and hydrologic resource information pertaining to oil and gas potential.

4. Open well, a well that has not been plugged including, but not limited to, abandoned, operating, or shut-in wells.

5. Operator, a person who drills, maintains, operates, or controls wells associated with oil or gas production, storage, or injection projects.

6. Owner, the person who has the right to drill into and produce from a pool and to appropriate the oil or gas he produced therefrom either for himself or others or for himself and others.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 1—Organization, Purpose, and Definitions**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council adopts a rule as follows:

**10 CSR 50-1.040 Enforcement Action and Appeal Procedures
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1424-1426). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed rule. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 1—Organization, Purpose, and Definitions**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under sec-

tion 259.070.5, RSMo Supp. 2015, the council adopts a rule as follows:

10 CSR 50-1.050 Assessment of Costs is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1427-1431). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed rule. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.010 Operator License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1432-1435). 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: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1436-1441). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were made

at the public hearing. The department received written comments during the comment period from The Surety & Fidelity Association of America and from Geological Survey Program staff.

COMMENT #1: The Surety & Fidelity Association of America commented that the limitations set forth in paragraphs (3)(A)2. and 3. are unnecessary and exceed the regulatory requirements established by the Missouri Department of Insurance in section 379.235(1), RSMo, and that these paragraphs should be deleted.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will delete paragraphs (3)(A)2. and 3. and renumber accordingly.

COMMENT #2: The Surety & Fidelity Association of America commented that the notice required in subparagraph (3)(A)6.A. is not necessary and that, since most surety companies are part of a publicly traded insurance company with stock that is freely traded, corporate ownership may change on a daily basis and notification was not feasible.

RESPONSE AND EXPLANATION OF CHANGE: The requirement to provide notice of change in corporate ownership will be deleted from subparagraph (3)(A)6.A. as well as subsequent references to corporate ownership in paragraphs (3)(A)7., (3)(B)5., (3)(B)6., (3)(C)7., and (3)(C)8.

COMMENT #3: A Geological Survey Program staff member commented that paragraph (3)(C)5. is inconsistent with section (6) and should be revised to state, "his/her statement that the operator's bond has been declared forfeited."

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (3)(C)5. will be changed.

COMMENT #4: A Geological Survey Program staff member commented that in subsection (6)(D) the reference to 10 CSR 50-2.060(3)(E) should be corrected to reference 10 CSR 50-2.060(3)(F).

RESPONSE AND EXPLANATION OF CHANGE: Subsection (6)(D) will be changed.

10 CSR 50-2.020 Bonds

(3) Types of bonds. The state geologist may accept surety bonds, personal bonds secured by certificates of deposit, and personal bonds secured by irrevocable letters of credit. The bond shall be submitted on the appropriate form. When the bond is filed, the state geologist shall review the bond and if the bond is in proper form, the state geologist shall accept the bond with the conditions which may be required by the council or by rule. If the bond is determined to be insufficient or not in proper form, the state geologist shall notify the operator. No drilling or operation shall commence or continue unless there is a sufficient bond on file with the state geologist.

(A) Surety bonds shall be subject to the following conditions:

1. Only irrevocable surety bonds shall be accepted. No bond of a surety company shall be cancelled for any reason whatsoever, including, but not limited to, nonpayment of premium, bankruptcy, or insolvency of the operator or issuance of notices of violations or cessation orders and assessment of penalties with respect to the operations covered by the bond, except that surety bond coverage for wells not drilled may be cancelled if the surety provides written notification and the state geologist is in agreement. The state geologist shall advise the surety, within thirty (30) days after receipt of a notice to cancel bond, whether the bond may be cancelled;

2. The surety shall be licensed to conduct a surety business in Missouri;

3. Both the surety and the operator shall be primarily liable for completion of any remedial actions, including, but not limited to, well plugging, with the surety's liability being limited to the amount of the bond;

4. The bond shall provide that—

A. The surety will give prompt notice to the operator and the state geologist of any change in name or address of the surety company, or any notice received or action filed alleging the insolvency or bankruptcy of the surety or alleging any violations of regulatory requirements which could result in suspension or revocation of the surety's license to do business; and

B. In the event the surety becomes unable to fulfill its obligation under the bond for any reason, notice shall be given immediately to the operator and the state geologist; and

5. The bond shall provide a mechanism for a surety company to give prompt notice to the state geologist and the operator of any change in name or address of the surety company, or any action filed alleging the insolvency or bankruptcy of the surety company, or the operator, or alleging any violations which would result in suspension or revocation of the surety license to do business. Upon the incapacity of a surety by reason of bankruptcy or insolvency, or suspension or revocation of its license, the operator shall be deemed to be without bond coverage in violation of section (1) and shall promptly notify the state geologist. The state geologist, upon notification of the surety's bankruptcy or insolvency, or suspension or revocation of its license, shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a thirty- (30-) day period to replace bond coverage. If the bond is not replaced in thirty (30) days, an order shall be issued by the state geologist requiring immediate cessation of operations. Operations shall not resume until the state geologist has determined that an acceptable bond had been posted.

(B) Personal bonds secured by certificates of deposit shall be subject to the following conditions:

1. The certificate(s) shall be in the amount of the bond or in an amount greater than the bond and shall be made payable to or assigned to the state of Missouri, both in writing and upon the records of the institution issuing the certificates, and shall be automatically renewable at the end of the term of the certificate. If assigned, institutions issuing the certificate(s) waive all rights of set off or liens against the certificate(s);

2. No single certificate of deposit shall exceed the sum of two hundred fifty thousand dollars (\$250,000) nor shall any permittee submit certificates of deposit aggregating more than two hundred fifty thousand dollars (\$250,000) or the maximum insurable amount as determined by the Federal Deposit Insurance Corporation from a single institution. The institution issuing the certificate of deposit must be insured by the Federal Deposit Insurance Corporation (FDIC);

3. Any interest on the certificates of deposit shall be made payable to the operator;

4. The certificate of deposit shall be kept until the bond is released by the state geologist;

5. The institution issuing the certificate(s) of deposit for bonding purposes shall give prompt notice to the state geologist and the operator of any change in name or address of the institution, and any insolvency or bankruptcy of the institution; and

6. The bond shall provide a mechanism for an institution to give prompt notice to the state geologist and the operator of any change in name or address of the institution, any action filed alleging the insolvency or bankruptcy of the institution or the operator, or alleging any violations which would result in suspension or revocation of the institution charter or license to do business. Upon the incapacity of any institution by reason of insolvency or bankruptcy, or suspension or revocation of its charter or license, the operator shall be deemed to be without bond coverage in violation of section (1). The state geologist, upon notification of the institution's bankruptcy or insolvency, or suspension or revocation of its charter or license, shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a thirty- (30-) day period to replace bond coverage. If the bond is not replaced in thirty (30) days, an order shall be issued by the state geologist requiring immediate cessation of operations.

Operations shall not resume until the state geologist has determined that an acceptable bond has been posted.

(C) Personal bonds secured by letters of credit shall be subject to the following conditions:

1. The letter of credit shall be no less than the face amount of the bond and shall be irrevocable. A letter of credit used as security shall be forfeited and shall be collected by the state geologist if not replaced by other suitable bond or letter of credit at least thirty (30) days before its expiration date;

2. The beneficiary of the letter of credit shall be the state of Missouri;

3. The letter of credit shall be issued by a bank authorized to do business in the United States. If the issuing bank is located in another state, a bank located in Missouri must confirm the letter of credit. Confirmations shall be irrevocable and on a form provided by the department;

4. The letter of credit shall be governed by Missouri law. The Uniform Customs and Practice for Documentary Credits, fixed by the International Chamber of Commerce, shall not apply;

5. The letter of credit shall provide that the state geologist may draw upon the credit by making a demand for payment, accompanied by his/her statement that the operator's bond has been declared forfeited;

6. The issuer of a letter of credit or confirmation shall warrant that the issuance will not constitute a violation of any statute or regulation which limits the amount of loans or other credits which can be extended to any single borrower or customer or which limits the aggregate amount of liabilities which the issuer may incur at any one (1) time from issuance of letters of credit and acceptances;

7. The bank issuing the letter(s) of credit for bonding purposes shall give prompt notice to the state geologist and the operator of any change in name or address of the institution, or any insolvency or bankruptcy of the bank; and

8. The bond shall provide a mechanism for a bank to give prompt notice to the state geologist and the operator of any change in name or address of the institution, any action filed alleging the insolvency or bankruptcy of the bank or the operator, or alleging any violations which would result in suspension or revocation of the bank's charter or license to do business. Upon the incapacity of any bank by reason of insolvency or bankruptcy, or suspension or revocation of its charter or license, the operator shall be deemed to be without bond coverage in violation of section (1). The state geologist, upon notification of the bank's bankruptcy or insolvency, or suspension or revocation of its charter or license, shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a thirty- (30-) day period to replace bond coverage. If the bond is not replaced in thirty (30) days, an order shall be issued by the state geologist requiring immediate cessation of operations. Operations shall not resume until the state geologist has determined that an acceptable bond has been posted.

(6) Bond Forfeiture.

(D) The entry of an order declaring a bond forfeited shall automatically authorize the state geologist, with the assistance of the attorney general, if necessary, to take whatever actions are necessary to collect the forfeited bond and any instruments securing the bond. The forfeited bond shall be deposited into the Oil and Gas Remedial Fund and utilized according to 10 CSR 50-2.060(3)(F).

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1442-1444). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were made at the public hearing. The department received one (1) written comment during the comment period.

COMMENT #1: A Geological Survey Program staff member commented that in section (7) the reference to 10 CSR 50-2.010(3) should be corrected to reference 10 CSR 50-2.010(6).

RESPONSE AND EXPLANATION OF CHANGE: Section (7) will be changed.

10 CSR 50-2.030 Application for Permit to Drill, Deepen, Plug-Back, or Recomplete

(7) Permits for drilling wells are not in any way transferable; however, any open well or the authority to inject for existing wells may be transferred to another operator according to 10 CSR 50-2.010(6).

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1444-1449). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were made at the public hearing. The department received one (1) written comment during the comment period.

COMMENT #1: A Geological Survey Program staff member commented that in subparagraph (7)(B)1.B. the "and" following the semicolon at the end of the subparagraph should be replaced with "or".
RESPONSE AND EXPLANATION OF CHANGE: Subparagraph (7)(B)1.B. will be changed.

10 CSR 50-2.040 Drilling and Completion

(7) The following requirements shall apply to permitted injection wells:

(B) The following tubing and packer requirements shall apply to permitted injection wells:

1. Each well permitted shall meet one (1) of the following requirements:

A. The well shall be equipped to inject through tubing below a packer;

B. A packer run on the tubing shall be set in casing opposite a cemented interval at a point immediately above the uppermost perforation or openhole interval. The annulus between the tubing and the casing shall be filled with a corrosion-inhibiting fluid or hydrocarbon liquid; or

C. A packerless or tubingless completion for injection wells drilled to no greater than one thousand five hundred feet (1500') is authorized under the provisions of paragraph (7)(B)2. or 3. of this regulation;

2. Injection through tubing without a packer is authorized if all of the following requirements are met:

A. The tubing shall be run to a depth not shallower than forty feet (40') above the uppermost perforation or open hole of the injection interval;

B. Each wellhead shall be equipped with a pressure observation valve on the tubing and the tubing-casing annulus; and

C. The operator of the tubingless completion shall maintain the well so that the mechanical integrity tests can be performed as specified in 10 CSR 50-2.055(12); and

3. Injection without tubing is authorized if all of the following requirements are continuously met during the life of the well:

A. The casing shall be cemented continuously from setting depth to surface;

B. Surface wellhead injection pressure shall be recorded monthly and kept by the operator for five (5) years;

C. All pressure readings recorded shall be taken during actual injection operations; and

D. The operator of the tubingless completion shall maintain the well so that the mechanical integrity tests can be performed as specified in 10 CSR 50-2.055(12).

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1450–1451). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were made at the public hearing. The department received one (1) written comment during the comment period.

COMMENT #1: A Geological Survey Program staff member commented that in subsection (3)(A) the well completion or recompletion report should be submitted “on a form provided by the department.” **RESPONSE AND EXPLANATION OF CHANGE:** Subsection (3)(A) will be changed.

10 CSR 50-2.050 Samples, Logs, and Completion Reports

(3) Well completion or recompletion report.

(A) Within one hundred twenty (120) calendar days after the spud date or commencement of recompletion of a well drilled under these regulations, the operator shall submit a well completion or recompletion report on a form provided by the department. Stratigraphic test wells that have not been converted are exempt from this requirement.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council adopts a rule as follows:

10 CSR 50-2.055 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1451–1455). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed rule. No comments were made at the public hearing. The department received one (1) written comment during the comment period.

COMMENT #1: A Geological Survey Program staff member commented that in subparagraph (12)(A)1.A. the number “300 psig” should be doubled to read “three hundred (300) psig”.

RESPONSE AND EXPLANATION OF CHANGE: Subparagraph (12)(A)1.A. will be changed.

10 CSR 50-2.055 Injection Wells, Mechanical Integrity Testing, and Well Stimulation Treatment

(12) Mechanical integrity. All new or newly converted injection wells shall be required to demonstrate mechanical integrity and meet the requirements of 10 CSR 50-2.090 and 10 CSR 50-2.100 before operation may begin. All injection wells not permanently plugged must demonstrate mechanical integrity at least once every five (5) years.

(A) Demonstration of mechanical integrity shall utilize at least one (1) of the following procedures:

1. Pressure test. The annulus above the packer, or the injection casing in wells not equipped with a packer, shall be pressure tested. The date for this test shall be mutually agreed upon by the operator’s representative and a representative of the state geologist, with a minimum of five (5) business days’ notice prior to the test. Test results shall be verified by the operator’s representative. The test shall be conducted in the following manner:

A. For newly completed or newly converted wells, the casing may be tested before perforating. A fluid pressure of one hundred ten percent (110%) of the approved pressure shall be applied, but shall be no less than three hundred (300) psig. A well demonstrates mechanical integrity if, when pressurized, it does not lose more than ten percent (10%) of the tested pressure over a period of thirty (30) minutes;

B. Wells constructed with tubing and a packer shall be pressure tested with the packer in place. A fluid pressure of one hundred

ten percent (110%) of the approved pressure shall be applied, but shall be no less than three hundred (300) psig. A well demonstrates mechanical integrity if, when pressurized, it does not lose more than ten percent (10%) of the tested pressure over a period of thirty (30) minutes;

C. For wells constructed with tubing and no packer, a retrievable plug or packer shall be set immediately above the uppermost perforation or openhole zone. A fluid pressure of one hundred ten percent (110%) of the approved pressure shall be applied, but shall be no less than three hundred (300) psig. A well demonstrates mechanical integrity if, when pressurized, it does not lose more than ten percent (10%) of the tested pressure over a period of thirty (30) minutes; and

D. For wells constructed with tubing and no packer, a method of pressure testing known as fluid depression may be conducted with prior approval and under guidelines established by the state geologist. The fluid in the well shall be depressed with gas pressure to a point in the wellbore immediately above the perforations or openhole interval. The minimum calculated pressure required to depress the fluid in the wellbore shall be no less than fifty (50) psig. A well demonstrates mechanical integrity if, when pressurized, it does not lose more than ten percent (10%) of the tested pressure over a period of thirty (30) minutes;

2. Alternative tests. Alternative test methods approved by the state geologist including, but not limited to, temperature surveys, tracer surveys, or noise logs, may be used to demonstrate mechanical integrity if conditions are appropriate. The date for this test shall be mutually agreed upon by the operator's representative and a representative of the state geologist, with notice provided a minimum of five (5) business days prior to the test. Test results shall be verified by the operator's representative and shall be interpreted as specified in state geologist-approved procedures;

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.060 Shut-in Wells, Plugging, and Conversion to Water Well is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1456-1458). 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: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council adopts a rule as follows:

10 CSR 50-2.065 Operations is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1458-1461). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed rule. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council rescinds a rule as follows:

10 CSR 50-2.070 Well Spacing is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1462). No changes have been made in 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: A public hearing on this proposed rescission was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed rescission. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 2—Oil and Gas Drilling and Production**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.080 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1462-1465). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were made at the public hearing. The department received three (3) written comments during the comment period.

COMMENT #1: A Geological Survey Program staff member commented that subsection (2)(C) needs to clarify that each operator is required to report disposal of produced water: “shall be reported by each operator monthly”

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(C) will be changed.

COMMENT #2: A Geological Survey Program staff member commented that subsection (2)(D) needs to specify that the monthly volume report shall be submitted “on a form provided by the department.”

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(D) will be changed.

COMMENT #3: A Geological Survey Program staff member commented that subsection (3)(B) needs to specify that the annual open well inventory report shall be submitted “on a form provided by the department.”

RESPONSE AND EXPLANATION OF CHANGE: Subsection (3)(B) will be changed.

10 CSR 50-2.080 Record Retention and Reporting

(2) Monthly Reporting.

(C) Disposal of produced water shall be reported by each operator monthly on a form provided by the department. The report shall be prepared in full and submitted to the state geologist no later than forty-five (45) calendar days after the end of each calendar month. The report must include the amount, type, and method of disposal of all fluids produced from oil wells, gas wells, or underground gas storage reservoirs.

(D) Each party who owns, maintains, or operates the metering device used to record gas produced from each unit or well in any gas field shall file a monthly volume report showing the amount of gas actually metered on each unit, and may be directed by the state geologist to file a volume report showing the amount of gas actually metered for each well for a specified time period. The monthly volume report shall be prepared in full on a form provided by the department and submitted to the state geologist no later than forty-five (45) calendar days after the end of each calendar month.

(3) Annual reporting.

(B) Each operator shall submit annually on a form provided by the department a complete inventory report of all open wells as of December 31. The report shall be submitted to the state geologist on or before January 31.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 50—Oil and Gas Council Chapter 2—Oil and Gas Drilling and Production

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.090 Disposal of Fluids by Injection is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1466). 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: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 50—Oil and Gas Council Chapter 2—Oil and Gas Drilling and Production

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.100 Enhanced Recovery Projects is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1466–1467). 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: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 50—Oil and Gas Council Chapter 2—Oil and Gas Drilling and Production

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council rescinds a rule as follows:

10 CSR 50-2.110 Special Projects and Research Projects is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1467). No changes have been made in 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: A public hearing on this proposed rescission was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed rescission. No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 50—Oil and Gas Council Chapter 2—Oil and Gas Drilling and Production

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-2.120 Gas Storage Operations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 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: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 3—Well Spacing for Oil and Gas Pools**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-3.010 Spacing Units for Primary Production is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1467–1468). 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: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 3—Well Spacing for Oil and Gas Pools**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council adopts a rule as follows:

10 CSR 50-3.020 Production Units and Well Spacing for Enhanced Recovery is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1469–1471). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed rule. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 4—Authorization of Pooling Units and
Unitization Agreements for Oil and Gas Pools**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-4.010 Application for Authorization of a Pooling Unit for Primary Production is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1472). 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: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 4—Authorization of Pooling Units and
Unitization Agreements for Oil and Gas Pools**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council adopts a rule as follows:

10 CSR 50-4.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1472–1473). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed rule. No comments were made at the public hearing. The department received one (1) written comment during the comment period.

COMMENT #1: A Geological Survey Program staff member commented that in subsection (2)(A) the reference to 10 CSR 50-3.020(3) should be corrected to reference 10 CSR 50-3.020(2).

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(A) will be changed.

10 CSR 50-4.020 Application for Authorization of Unitization for Enhanced Recovery

(2) Any applicant for a production unit for the purpose of a cooperative development and operation project for enhanced recovery shall provide the following information to the council thirty (30) calendar days prior to the date of hearing:

(A) A description of the proposed production unit area, as specified in 10 CSR 50-3.020(2);

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 5—Special Projects and Research Projects**

ORDER OF RULEMAKING

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo Supp. 2015, the council amends a rule as follows:

10 CSR 50-5.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1473-1475). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 16, 2015, at the State Oil and Gas Council meeting, and the public comment period ended November 18, 2015. At the public hearing, Department of Natural Resources staff explained the proposed amendment. No comments were made at the public hearing. The department received one (1) written comment during the comment period.

COMMENT #1: A Geological Survey Program staff member commented that in section (2) the word “well” should be inserted to indicate “No well drilled as an oil or gas well shall be drilled....”
RESPONSE AND EXPLANATION OF CHANGE: Section (2) will be changed.

10 CSR 50-5.010 Special Projects and Research Projects

(2) No well drilled as an oil or gas well shall be drilled closer than approximately one hundred sixty-five feet (165') to a unit boundary.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 2—Definitions**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission amends a rule as follows:

10 CSR 60-2.015 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1177-1178). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission amends a rule as follows:

10 CSR 60-4.020 Maximum Microbiological Contaminant Levels and Monitoring Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1179). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission adopts a rule as follows:

10 CSR 60-4.022 Revised Total Coliform Rule is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1179-1199). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission amends a rule as follows:

10 CSR 60-4.025 Ground Water Rule Monitoring and Treatment Technique Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1200-1201). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission amends a rule as follows:

10 CSR 60-4.055 Disinfection Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1201). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 5—Laboratory and Analytical Requirements**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission amends a rule as follows:

10 CSR 60-5.010 Acceptable and Alternate Procedures for Analysis is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1201). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 7—Reporting**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission amends a rule as follows:

10 CSR 60-7.010 Reporting Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1201-1202). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 8—Public Notification**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission amends a rule as follows:

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1202-1204). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 8—Public Notification**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission amends a rule as follows:

10 CSR 60-8.030 Consumer Confidence Reports is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1204-1216). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 9—Record Maintenance**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2014, the commission amends a rule as follows:

10 CSR 60-9.010 Requirements for Maintaining Public Water System Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2015 (40 MoReg 1216). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under section 207.020, RSMo Supp. 2014, and section 210.506, RSMo 2000, the director amends a rule as follows:

13 CSR 35-60.010 Family Homes Offering Foster Care
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1476-1477). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under section 207.020, RSMo Supp. 2014, and section 210.506, RSMo 2000, the director amends a rule as follows:

13 CSR 35-60.020 Capacity of Foster Homes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1477-1478). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under section 207.020, RSMo Supp. 2014, and section 210.506, RSMo 2000, the director amends a rule as follows:

13 CSR 35-60.030 Minimum Qualifications of Foster Parent(s)
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1478). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under section 207.020, RSMo Supp. 2014, and section 210.506, RSMo 2000, the director amends a rule as follows:

13 CSR 35-60.040 Physical Standards for Foster Homes
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1478-1479). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under section 207.020, RSMo Supp. 2014, and section 210.506, RSMo 2000, the director amends a rule as follows:

13 CSR 35-60.050 Care of Children is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1479). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under section 207.020, RSMo Supp. 2014, and section 210.506, RSMo 2000, the director amends a rule as follows:

13 CSR 35-60.060 Records and Reports is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1479). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under section 207.020, RSMo Supp.

2014, and section 210.506, RSMo 2000, the director adopts a rule as follows:

13 CSR 35-60.080 Licensing Standard Waivers for Relative Resource Providers **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1479-1480). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under section 207.020, RSMo Supp. 2014, and section 210.506, RSMo 2000, the director adopts a rule as follows:

13 CSR 35-60.090 Denial or Revocation of License **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1480-1481). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under sections 207.020, 453.073, and 453.074, RSMo Supp. 2014, and section 210.506, RSMo 2000, the director adopts a rule as follows:

13 CSR 35-60.100 Foster Care Services for Youth with Elevated Medical Needs **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1481-1482). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director, Department of Social Services, Children’s Division under sections 207.020, 453.073, and

453.074, RSMo Supp. 2014, and section 210.506, RSMo 2000, the director adopts a rule as follows:

13 CSR 35-60.110 Removal of a Parent from a Foster Family License **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1482). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions**

ORDER OF RULEMAKING

By the authority vested in the State Auditor under section 105.145, RSMo Supp. 2013, the auditor amends a rule as follows:

15 CSR 40-3.030 Annual Financial Reports of Political Subdivisions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1307). 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: A public hearing on this proposed amendment was held November 2, 2015, and the public comment period ended November 6, 2015. At the public hearing, State Auditor’s Office staff explained the rule and one comment was made. In addition, the State Auditor received one (1) written comment.

COMMENT #1: Paul V. Rost, attorney with Cunningham, Vogel, and Rost, P.C., suggested that the reporting requirements regarding the percent of annual general operating revenue from fines, bond forfeitures, and court costs for minor traffic violations not be required for any annual financial report filed by political subdivisions for any fiscal year ending before August 28, 2015.

RESPONSE: The amended rule removed the reporting procedures related to traffic violations from this rule. Section 479.359, RSMo, which provides an addendum to the financial report from counties, cities, towns, and villages, is not applicable to all political subdivisions that file an annual financial report under the procedures in this rule. The regulation related to procedures for the filing of the addendum is now 15 CSR 40-3.170. No changes were made to this rule as a result of this comment.

COMMENT #2: Carl Lumley, attorney with Curtis, Heinz, Garrett, and O’Keefe, P.C., stated that he would like to acknowledge the benefits of the changes that the Auditor’s Office made.

RESPONSE: No changes were made to this rule as a result of this comment.

**Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions**

ORDER OF RULEMAKING

By the authority vested in the State Auditor under section 29.100,

RSMo 2000, and sections 479.359 and 479.362, RSMo Supp. 2015, the auditor adopts a rule as follows:

15 CSR 40-3.170 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1307-1310). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 2, 2015, and the public comment period ended November 6, 2015. At the public hearing, the State Auditor's Office staff explained the rule and two (2) individuals commented. In addition, the State Auditor received written comments from seventeen (17) individuals.

COMMENT #1: Edward Pultz, municipal judge for the cities of Farmington and Iron Mountain Lake, and the city counselor for the City of Park Hills; Dana Collins-Messex, St. Clair Municipal Court Clerk; Deana Teague, Poplar Bluff Municipal Court Administrator; Martha Henderson, New Madrid Municipal Court Clerk; Diane Leftridge, Bonne Terre Municipal Court Clerk; Jamie Neal, Independence Municipal Court Clerk; Carl Lumley, attorney with Curtis, Heinz, Garrett, and O'Keefe, P.C.; Melissa Ziemianin, court administrator and city clerk of the City of Pineville; Keith Cheung, attorney with Curtis, Heinz, Garrett, and O'Keefe, P.C.; and Michelle Pegram, Lake Lotawana Municipal Court Administrator, requested that the Auditor's Office provide information regarding the application of the definition of "minor traffic violations" to particular violations, particularly non-moving violations.

RESPONSE AND EXPLANATION OF CHANGE: The statutory definition of "minor traffic violation" includes municipal or county ordinance traffic violations, except those that involve any one (1) of the following: 1) an accident; 2) an injury; 3) the operation of a commercial motor vehicle; 4) authorization for the Department of Revenue to assess five (5) or more points to a person's driving record upon conviction; 5) exceeding the speed limit by more than nineteen (19) miles per hour; or 6) violations within a construction zone or school zone. Subsection (7)(A) will be added to provide examples to assist in reporting the information specified by section 479.359, RSMo.

COMMENT #2: Deana Teague, Poplar Bluff Municipal Court Administrator; Pat Cox Sikeston Municipal Court Administrator; E. Irene Morse, Poplar Bluff Municipal Court Deputy Clerk; Amy Perrin, Rock Hill Missouri Municipal Court Clerk; Dana Loudenbaugh, Fair Grove City Clerk; Darra Justice, Fair Grove Court Clerk; Sylvia Deering, Court Clerk for the Pineville Municipal Court; Keith Cheung, attorney with Curtis, Heinz, Garrett, and O'Keefe, P.C.; and Michelle Shaffer, Raymore Municipal Court Clerk, requested a list of charges included in the "minor traffic violation" definition. **RESPONSE AND EXPLANATION OF CHANGE:** Because of differences between municipalities, an all-inclusive list cannot be provided. Subsection (7)(A) will be added to provide examples to assist in reporting the information specified by section 479.359, RSMo.

COMMENT #3: Deana Teague, Poplar Bluff Municipal Court Administrator; Melissa Ziemianin, court administrator and city clerk of the City of Pineville; Sylvia Deering, Court Clerk for the Pineville Municipal Court; and Jamie Neal, Independence Municipal Court Clerk, requested that the Auditor's office provide information regarding the reporting of violations when the violation has been amended from the original violation.

RESPONSE AND EXPLANATION OF CHANGE: Subsections (7)(B) and (7)(C) will be added to provide examples to assist in reporting the information specified by section 479.359, RSMo.

COMMENT #4: Edward Pultz, municipal judge for the cities of

Farmington and Iron Mountain Lake, and the city counselor for the City of Park Hills, requested clarification for when the addendum should first be filed.

RESPONSE AND EXPLANATION OF CHANGE: Under section 479.359.3, RSMo, the addendum is required to be filed with the annual financial report submitted under section 105.145, RSMo. Section (3) will be amended to specify that these forms shall be filed together as provided by statute.

COMMENT #5: Edward Pultz, municipal judge for the cities of Farmington and Iron Mountain Lake, and the city counselor for the City of Park Hills; and Carl Lumley, attorney with Curtis, Heinz, Garrett, and O'Keefe, P.C., requested that the addendum allow local governments whose total municipal court revenues are below the required excess revenue percentages for minor traffic violations to file an alternative percent calculation.

RESPONSE AND EXPLANATION OF CHANGE: Section 479.359.1, RSMo, specifies, "Every county, city, town, and village shall annually calculate the percentage of its annual general operating revenue received from fines, bond forfeitures, and court costs for minor traffic violations, including amended charges for any minor traffic violations, whether the violation was prosecuted in municipal court, associate circuit court, or circuit court, occurring within the county, city, town, or village." Section (6) will be amended to allow for reasonable opportunity for demonstration of compliance by counties, cities, towns, and villages whose fiscal years ended before August 28, 2015, but whose financial reports are filed after August 28, 2015.

COMMENT #6: Paul V. Rost, attorney with Cunningham, Vogel, and Rost, P.C., suggested that the auditor's office include an additional subsection stating that any city, town, or village that has its municipal violations heard by a county municipal court or by an associate circuit court judge and that does not receive any proceeds from the municipal court shall not have to supply the financial information required by the proposed rule and form. He also suggested that the auditor's office amend the included form.

RESPONSE: Section 479.359, RSMo, does not provide any exceptions. The included form allows a county, city, town, or village to check boxes to confirm that they have no municipal court and receive no revenue from municipal violations. The words "its own" denote that the county, city, town, or village are not contracting with or using a court of another government entity. No changes will be made as a result of this comment.

COMMENT #7: Dana Loudenbaugh, Fair Grove City Clerk; and Darra Justice, Fair Grove Court Clerk, disagreed with the estimation of the public cost.

RESPONSE: The public cost statement examines the cost attributable to the proposed rule, not whether the changes in the law itself result in any cost. No changes have been made as a result of this comment.

COMMENT #8: Dana Loudenbaugh, Fair Grove City Clerk; and Darra Justice, Fair Grove Court Clerk, commented on the fact that the addendum must be signed in front of a notary public.

RESPONSE: Section 479.359, RSMo, requires notarization. No changes will be made as a result of this comment.

COMMENT #9: Carl Lumley, attorney with Curtis, Heinz, Garrett, and O'Keefe, P.C., requested that the auditor's office clarify the definition of "minor traffic violations" as to whether the exceptions in the statutory definition refer to the underlying facts or an element of the formal charge.

RESPONSE: The term "minor traffic violation" is specifically defined in section 479.350, RSMo. The statutory definition of "minor traffic violation" includes municipal or county ordinance traffic violations, except those that involve any one (1) of the following: 1) an accident; 2) an injury; 3) the operation of a commercial motor vehicle; 4) authorization for the Department of Revenue to assess five (5)

or more points to a person's driving record upon conviction; 5) exceeding the speed limit by more than nineteen (19) miles per hour; or 6) violations within a construction zone or school zone. No changes will be made as a result of this comment.

COMMENT #10: Carl Lumley, attorney with Curtis, Heinz, Garrett, and O'Keefe, P.C., suggested that the term "total annual revenue" should be deleted from the form as it is inapplicable to the addendum.

RESPONSE: The total revenue for the county, city, town, or village will assist in the auditing of the calculations. No changes will be made as a result of this comment.

COMMENT # 11: Carl Lumley, attorney with Curtis, Heinz, Garrett, and O'Keefe, P.C., requested that the Auditor's office include a comprehensive list of items included in the terms "annual general operating revenue" and "court costs" to promote uniform compliance.

RESPONSE: Because of differences between municipalities, an all-inclusive list cannot be provided. The terms are defined in section 479.350, RSMo. No changes will be made as a result of this comment.

COMMENT #12: Paul V. Rost, attorney with Cunningham, Vogel, and Rost, P.C., suggested that the auditor clarify this sentence on the form, "List Any Courts Which Provide Revenue from Fines, Bond Forfeitures and Court Costs for Minor Traffic Violations."

RESPONSE AND EXPLANATION OF CHANGE: The form has been changed for clarity in response to this comment.

COMMENT #13: Melissa Ziemianin, court administrator and city clerk of the City of Pineville, suggested that it is not clear who has to sign the form.

RESPONSE: Section 479.359.3(4), RSMo, and the proposed rule provide that any representative of the county, city, town, or village with knowledge of the subject matter may sign. Because of differences between local government structures, an all-inclusive list of potential representatives with knowledge cannot be provided. No changes will be made as a result of this comment.

15 CSR 40-3.170 Addendum Filed with the Auditor's Office

(3) The addendum form shall be submitted within six (6) months after the end of the county, city, town, or village's fiscal year and shall be filed with any required annual financial report filed under the procedures in 15 CSR 40-3.030.

(6) If the county, city, town, or village's fiscal year ended before August 28, 2015, the county, city, town, or village may report the information required by section (1) of this regulation in a form that substantially comports with the requirements of this regulation and may report its total revenue for municipal court violations or provide an accounting of the percent of annual general operating revenue from fines and court costs from traffic violations, including amended charges from any charged traffic violation based on section 302.341, RSMo Supp. 2014.

(7) Examples.

(A) A city with a municipal court has several ordinances related to equipment failure, vehicle registration, and seatbelt use for which no points are placed on the driver's license upon conviction. The funds received from these violations should be included in "minor traffic violations" when reporting the information under section (1) of this regulation because the statutory definition of "minor traffic violation" includes municipal or county ordinance traffic violations, except those that involve authorization for the Department of Revenue to assess five (5) or more points to a person's driving record upon conviction, assuming that the specific violation does not fall

within one (1) of the other statutorily enumerated exceptions in the definition of "minor traffic violation."

(B) The municipal court amends a violation that does not meet the definition of "minor traffic violation" to a violation that does meet this definition. The funds received from these violations should be included in "minor traffic violations" when reporting the information under section (1) of this regulation because the calculation includes charges for all minor traffic violations.

(C) The municipal court amends a violation that meets the definition of "minor traffic violation" to a violation that does not meet this definition. The funds received from these violations should be included in "minor traffic violations" when reporting the information under section (1) of this regulation because the original charge is a minor traffic violation.



OFFICE OF THE STATE AUDITOR
ADDENDUM
(Form A 15-1)

INSTRUCTIONS

Fill out via computer, print to apply signature.

Email completed addendum to: PolysubFS@auditor.mo.gov or mail to:

Missouri State Auditor's Office

P.O. Box 869

Jefferson City, MO 65102

If your county, city, town, or village has its own municipal court, submit your municipal court certification with this form.

* If you check "No" on line **A** do not fill out lines **B** and **C**.

Political Subdivision Number _____ Name of County, City, Town, or Village _____ Fiscal Year End (MM/DD/Year) _____

Mailing Address _____ City _____ State _____ Zip _____

Phone _____ Email Address _____

Does your county, city, town, or village have its own municipal court? Yes No

A Does your county, city, town, or village receive any revenue from fines, bond forfeitures, and court costs for minor traffic violations? Yes No

List any courts that hear municipal violations for your county, city, town, or village.

Total Annual Revenue \$ _____ Annual General Operating Revenue \$ _____

B Total revenue from fines, bond forfeitures, and court costs for minor traffic violations, including amended charges for minor traffic violations \$ _____

C Percentage of annual general operating revenue from fines, bond forfeitures, and court costs for minor traffic violations % _____

REPRESENTATIVE'S CERTIFICATION

The undersigned representative of the county, city, town, or village hereby certifies, under penalties of perjury, that all of the information submitted in this addendum is true and complete.

Signature _____ Typed or Printed Name _____ Title _____

Mailing Address _____ City _____ State _____ Zip _____

NOTARY

State _____ Subscribed and Sworn Before Me, This _____ Day of _____ Year _____

Notary Public Signature _____

My Commission Expires _____

Notary Public Name (Typed or Printed) _____

County (or City of St. Louis) _____

NOTICE - Every county, city, town, or village is required to submit an addendum to the State Auditor's Office pursuant to sections 479.359 and 479.362 and 15 CSR 40-3.170.



OFFICE OF THE STATE AUDITOR
ADDENDUM
(Form A 15-1)

Please use this space to provide additional explanations if the space provided for any item was not sufficient.

[A large, empty rectangular box with a black border, intended for providing additional explanations.]

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

ORDER OF RULEMAKING

By the authority vested in the State Auditor under section 29.100, RSMo 2000, and sections 479.360 and 479.362, RSMo Supp. 2015, the auditor adopts a rule as follows:

15 CSR 40-3.180 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1310–1312). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 2, 2015, and the public comment period ended November 6, 2015. At the public hearing, the State Auditor’s Office staff explained the rule and one (1) comment was made. In addition, the State Auditor received written comments from three (3) individuals.

COMMENT #1: Paul V. Rost, attorney with Cunningham, Vogel, and Rost, P.C., suggested that the auditor’s office include an additional subsection stating that any city, town, or village that contracts to have its municipal violations heard in another court or that has its municipal ordinance violations heard by an associate circuit court judge shall not have to file.

RESPONSE AND EXPLANATION OF CHANGE: Section 479.360.1, RSMo, provides that the certificate of compliance must be “signed by its municipal judge.” Section (7) will be amended to clarify that cities, towns, and villages without their own municipal judges shall not be required to file the certification.

COMMENT #2: Edward Pultz, municipal judge for the cities of Farmington and Iron Mountain Lake, and the city counselor for the City of Park Hills, suggested that sections (6) and (7) are in conflict and requested clarification of when the documents shall be filed.

RESPONSE AND EXPLANATION OF CHANGE: Section (6) will be amended to clarify when and where the certification must be filed.

COMMENT #3: Edward Pultz, municipal judge for the cities of Farmington and Iron Mountain Lake, and the city counselor for the City of Park Hills, stated that the language in section 479.360(1), RSMo saying that the certification must be filed together with the city’s report under section 105.145, RSMo seems to be in conflict with the rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (6) will be amended for clarity.

COMMENT #4: Michelle Shaffer, Raymore Municipal Court Clerk, requested rules on what a court may or may not require a defendant to provide as proof of income.

RESPONSE: Section 29.100, RSMo, and sections 479.359 and 479.362, RSMo, which authorize the auditor to promulgate this rule, do not provide the authority to promulgate rules related to indigency standards in municipal courts. No changes will be made as a result of this comment.

COMMENT #5: Carl Lumley, attorney with Curtis, Heinz, Garrett, and O’Keefe, P.C., stated that he would like to acknowledge the benefits of the changes that the auditor’s office made.

RESPONSE: No changes were made to this rule as a result of this comment.

15 CSR 40-3.180 Municipal Court Certifications Filed with the Auditor’s Office

(6) The certification shall be submitted, together with the addendum required by 15 CSR 40-3.170, within six (6) months after the end of the county, city, town, or village’s fiscal year. The certification shall be mailed to the State Auditor’s Office at PO Box 869, Jefferson City, MO 65102, or emailed to PolySubFS@auditor.mo.gov.

(7) Any city, town, or village that does not have its own municipal judge because it has all municipal violations adjudicated by a county municipal judge, or by a circuit or associate circuit judge, is not required to file a certification.



OFFICE OF THE STATE AUDITOR
MUNICIPAL COURT CERTIFICATION
(Form MCC 15-1)

Instructions

Fill out via computer, print to apply signature.

Email completed certification along with required addendum to: PolysubFS@auditor.mo.gov or mail to:

Missouri State Auditor's Office

P.O. Box 869

Jefferson City, MO 65102

Name of County, City, Town, or Village

Mailing Address

City

State

Zip

Phone

Email Address

Name of Municipal Court

Mailing Address

City

State

Zip

Phone

Email Address

Fiscal Year Certified

I certify that the municipal court over which I preside has adopted the procedures required by section 479.360 RSMo and substantially complied with the procedures during the fiscal year ended _____.

Signature

Name of Municipal Judge (Printed or Typed)

Date (MM/DD/Year)

NOTICE - Each city, town, or village with a municipal court and each county with a municipal court is required to file a municipal court certification pursuant to sections 479.360 and 479.362 and 15 CSR 40-3.180.

**Title 18—PUBLIC DEFENDER COMMISSION
Division 10—Office of State Public Defender
Chapter 5—Public Defender Fees for Services**

ORDER OF RULEMAKING

By the authority vested in the Office of the State Public Defender under sections 600.017, 600.086, and 600.090, RSMo 2000, the commission adopts a rule as follows:

18 CSR 10-5.010 Public Defender Fees for Services is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1483-1484). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 18—PUBLIC DEFENDER COMMISSION
Division 10—Office of State Public Defender
Chapter 6—Outside Practice of Law by Public Defenders**

ORDER OF RULEMAKING

By the authority vested in the Office of the State Public Defender under sections 600.017 and 600.021, RSMo 2000, the commission adopts a rule as follows:

18 CSR 10-6.010 Outside Practice of Law by Public Defenders is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2015 (40 MoReg 1485). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under sections 327.031 and 327.041, RSMo Supp. 2014, the board amends a rule as follows:

20 CSR 2030-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1534). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 2—Code of Professional Conduct**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo Supp. 2014, the board amends a rule as follows:

20 CSR 2030-2.010 Code of Professional Conduct is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1534-1535). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 2—Code of Professional Conduct**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo Supp. 2014, the board amends a rule as follows:

20 CSR 2030-2.040 Evaluation Criteria for Building Design is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1535). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 3—Seals**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional

Landscape Architects under section 327.041, RSMo Supp. 2014, the board amends a rule as follows:

20 CSR 2030-3.010 Official Seal of Board is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1536). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 5—Examinations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo Supp. 2014, the board amends a rule as follows:

**20 CSR 2030-5.020 NCARB Examinations—Architects
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1536). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 5—Examinations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo Supp. 2014, the board amends a rule as follows:

**20 CSR 2030-5.070 NCEES Examinations—Professional
Engineers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1536–1537). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 5—Examinations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under sections 327.041, 327.312, and 327.314, RSMo Supp. 2014, the board amends a rule as follows:

**20 CSR 2030-5.110 Standards for Admission to
Examination—Professional Land Surveyors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1537). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 7—Nonresidents**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo Supp. 2014, the board amends a rule as follows:

20 CSR 2030-7.010 Nonresidents is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1537). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 8—Land Surveying**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional

Landscape Architects under section 327.041, RSMo Supp. 2014, the board amends a rule as follows:

**20 CSR 2030-8.010 Professional Land Surveying Matters
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1537–1538). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 8—Land Surveying**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo Supp. 2014, the board amends a rule as follows:

**20 CSR 2030-8.020 Professional Land Surveyor—Professional
Development Units is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1538–1540). 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,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 12—Complaints**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo Supp. 2014, the board amends a rule as follows:

**20 CSR 2030-12.010 Public Complaint Handling and Disposition
Procedure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2015 (40 MoReg 1541). 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.

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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, March 1, 2016.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* Pamela.lueckenotto@modot.mo.gov
- *Mail:* PO Box 270, Jefferson City, MO 65102
- *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65102
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #195

Renewal Applicant's Name & Age: Terrance M. McAndrew, 49

Relevant Physical Condition: Insulin-treated diabetes mellitus (ITDM). Mr. McAndrew's best uncorrected visual acuity is 20/30 Snellen in the right eye and best uncorrected visual acuity is 20/40 Snellen in the left eye. Mr. McAndrew has been an insulin treated diabetic since June 5, 2009.

Relevant Driving Experience: Mr. McAndrew has approximately twenty-three (23) years of commercial motor vehicle experience. Mr. McAndrew currently has a Class B license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2015, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. McAndrew has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: December 22, 2015

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.