

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**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**

PROPOSED AMENDMENT

10 CSR 10-6.241 Asbestos Projects—Registration, Abatement, Notification, Inspection, Demolition, and Performance Requirements. The commission proposes to change the rule title; change the rule purpose; amend subsections (1)(A), (3)(A), (3)(E), and (3)(F); and add subsection (3)(J). If the commission adopts this rule action, the department does not intend to submit this rule amendment to the U.S. Environmental Protection Agency because the rulemaking to adjust the asbestos fee structure is administrative and the rule has never been approved as part of the Missouri State Implementation Plan. The evidence supporting the need for this pro-

posed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This amendment changes the asbestos fee structure pursuant to 643.079.10, RSMo. This proposed rulemaking will increase the asbestos registration fee from one thousand dollars (\$1,000) to two thousand six hundred fifty dollars (\$2,650) per registration, increase the asbestos inspection fee from one hundred dollars (\$100) per inspection for the first three (3) inspections to two hundred dollars (\$200) per inspection for the first two (2) inspections, increase the asbestos abatement notification fee from one hundred dollars (\$100) to two hundred dollars (\$200) per notification, and commence collection of an asbestos demolition fee of one hundred dollars (\$100). The increased asbestos fees will enable the department's Air Pollution Control Program to maintain its asbestos program to protect the health of Missouri citizens. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 643.079.10, RSMo, and the May 28, 2015, presentation to the Missouri Air Conservation Commission.

PURPOSE: This rule requires asbestos contractors to register with the department, to notify the department of each asbestos project, to allow the department to inspect asbestos projects, and to pay inspection fees. Each person who intends to perform asbestos projects in Missouri must register annually with the Missouri Department of Natural Resources[,] Air Pollution Control Program. [Each asbestos contractor] Any person undertaking a demolition or asbestos project must submit a notification to the appropriate agency of the department for each asbestos project. E] and each notification [for projects exceeding a certain size] must be accompanied by a fee. Asbestos contractors must allow representatives of the department to conduct inspections of projects and must pay inspection fees. [The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the decision of the Cole County Court case number CV 197-985 CC that found rule 10 CSR 10-6.240 void from inception and state statute 643.242, RSMo that authorizes the commission to assess a fee of \$100 for each on-site inspection of asbestos projects.]

(1) Applicability.

(A) This rule shall apply to—

1. All persons that authorize, design, conduct, and work in asbestos projects; and
2. All persons that **undertake demolition projects or** monitor air-borne asbestos and dispose of asbestos waste as a result of asbestos projects.

(3) General Provisions.

(A) Registration.

1. Any person that conducts an asbestos project shall register with the department. Business entities that qualify for exemption status from the state must reapply for exemption from registration.

2. The person shall apply for registration renewal on an annual basis, and two (2) months before the expiration date shall send the application to the department for processing. The contractor registration application or business exemption information shall be submitted on the forms provided by the department.

3. Annually, the person submitting a registration application to the department shall remit a nonrefundable fee of one thousand dollars (\$1,000) to the department. **Effective January 1, 2017, the registration fee is two thousand six hundred fifty dollars (\$2,650).**

4. To determine eligibility for registration and registration renewal, the department may consider the compliance history of the applicant as well as that of all management employees and officers. The department may also consider the compliance record of any other entity of which those individuals were officers and management employees.

(E) Asbestos Project Notification. Any person undertaking an asbestos project shall submit a notification to the department for review at least ten (10)-working days prior to the start of the project. Business entities with state-approved exemption status are exempt from notification except for those projects for which notification is required by the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS). The department may waive the ten (10)-working day review period upon request for good cause. To apply for this waiver, the person shall complete the appropriate sections of the notification form provided by the department. The person who applies for the ten (10)-working day waiver must obtain approval from the department before the project can begin.

1. The person shall submit the notification form provided by the department.

2. If an amendment to the notification is necessary, the person shall notify the department immediately by telephone or FAX. The department must receive the written amendment within five (5) working days following verbal agreement.

3. Asbestos project notifications shall state actual dates and times of the project, the on-site supervisor and a description of work practices. If the person must revise the dates and times of the project, the person shall notify the department and the regional office or the appropriate local delegated enforcement agency at least twenty-four (24) hours in advance of the change by telephone or FAX and then immediately follow-up with a written amendment stating the change. The department must receive the written amendment within five (5) working days of the phone or FAX message.

4. A nonrefundable notification fee of one hundred dollars (\$100) will be charged for each project constituting one hundred sixty (160) square feet, two hundred sixty (260) linear feet, or thirty-five (35) cubic feet or greater. **Effective January 1, 2017, the notification fee is two hundred dollars (\$200).** If an asbestos project is in an area regulated by an authorized local air pollution control agency, and the person is required to pay notification fees to that agency, the person is exempt from paying the state fees. Persons conducting planned renovation projects determined by the department to fall under EPA's 40 CFR part 61 subpart M must pay this fee and the inspection fees required in subsection (3)(F) of this rule.

5. Emergency project. Any person undertaking an emergency asbestos project shall notify the department by telephone and must receive departmental approval of emergency status. The person must notify the department within twenty-four (24) hours of the onset of the emergency. Business entities with state-approved exemption status are exempt from emergency notification for state-approved projects that are part of a NESHAPS planned renovation annual notification. If the emergency occurs after normal working hours or weekends, the person shall contact the Environmental Services Program. The notice shall provide—

- A. A description of the nature and scope of the emergency;
- B. A description of the measures immediately used to mitigate the emergency; and
- C. A schedule for removal. Following the emergency notice, the person shall provide to the director a notification on the form provided by the department and the person shall submit it to the director within seven (7) days of the onset of the emergency. The amendment requirements for notification found in subsection (3)(E) of this rule are applicable to emergency projects.

(F) Inspections. There shall be a charge of one hundred dollars (\$100) per inspection for the first three (3) inspections of any asbestos project. **Effective January 1, 2017, the inspection fee is two hundred dollars (\$200) per inspection for the first two (2) inspections.** The department or the local delegated enforcement

agency shall bill the person for that inspection(s) and the person shall submit the fee(s) within sixty (60) days of the date of the invoice, or sooner, if required by a local delegated enforcement agency within its area of jurisdiction.

(J) Demolition Projects. Effective January 1, 2017, a nonrefundable notification fee of one hundred dollars (\$100) will be charged for each demolition project regulated under 10 CSR 10-6.080. If a demolition project is in an area regulated by an authorized local air pollution control agency and the person is required to pay notification fees to that agency, the person is exempt from paying the state fees.

AUTHORITY: section 643.225, RSMo [2000] Supp. 2013. Original rule filed Jan. 12, 2004, effective Sept. 30, 2004. Amended: Filed June 7, 2007, effective Jan. 30, 2008. Amended: Filed July 14, 2015.

PUBLIC COST: This proposed amendment will cost two thousand eight hundred ten dollars (\$2,810) in FY 2017. For the years after FY 2017, the total annual aggregate cost is five thousand six hundred twenty dollars (\$5,620) for the life of the rule. Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will cost one hundred thirty-eight thousand nine hundred sixty dollars (\$138,960) in FY 2017. For the years after FY 2017, the total annual aggregate cost is two hundred seventy-seven thousand nine hundred twenty dollars (\$277,920) for the life of the rule. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 24, 2015. The public hearing will be held at the Missouri Department of Natural Resources, St. Louis Regional Office, 7545 S. Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., October 1, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprule-sp@dnr.mo.gov.

**FISCAL NOTE
 PUBLIC COST**

- I. Department Title: 10** – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 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 10-6.241 Asbestos Projects—Registration, Notification and Performance Requirements
Type of Rulemaking:	Amendment to Existing Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
22 Asbestos Training Providers, None of which are Public Entities	\$ 5,620 Annualized Aggregate \$ 28,100 for Projected 5-Year Life
104 Asbestos Contractors, 1 of which is a Public Entity	
1,818 Asbestos Workers and Supervisors, 182 of which are Public Entities	

III. WORKSHEET

Fiscal Year	Type of Fee	Number of Registrations/ Inspections/ Notifications	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)	Asbestos Registration Fee	57	\$149,725	\$56,500	\$93,225
2017 (1/1 - 6/30/17)	Asbestos Inspection Fee	43	\$8,600	\$4,300	\$4,300
2017 (1/1 - 6/30/17)	Asbestos Abatement Notification Fee	173	\$34,600	\$17,300	\$17,300
2017 (1/1 - 6/30/17)	Asbestos Demolition Fee	268	\$26,750	\$0	\$26,750
2018	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2018	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2018	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2018	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2019	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2019	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2019	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2019	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2020	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2020	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2020	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2020	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2021	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2021	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2021	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2021	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2022 (7/1 - 12/31/21)	Asbestos Registration Fee	57	\$149,725	\$56,500	\$93,225
2022 (7/1 - 12/31/21)	Asbestos Inspection Fee	43	\$8,600	\$4,300	\$4,300
2022 (7/1 - 12/31/21)	Asbestos Abatement Notification Fee	173	\$34,600	\$17,300	\$17,300
2022 (7/1 - 12/31/21)	Asbestos Demolition Fee	268	\$26,750	\$0	\$26,750

- 1 = Number of Public Entity Registrations per Year
- 1 = Number of Public Entity Inspections per Year
- 10 = Number of Public Entity Abatement Notifications per Year
- 25 = Number of Public Entity Demolitions per Year

		Projected Total Asbestos Fees Collected (with new fees)						
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Registration	Number of Registrations	1	1	1	1	1	1	--
	Fees Collected	\$2,650	\$2,650	\$2,650	\$2,650	\$2,650	\$2,650	\$15,900
Asbestos Inspection	Number of Inspections	1	1	1	1	1	1	--
	Fees Collected	\$200	\$200	\$200	\$200	\$200	\$200	\$1,200
Abatement Notification	Number of Notifications	5	10	10	10	10	5	--
	Fees Collected	\$1,000	\$2,000	\$2,000	\$2,000	\$2,000	\$1,000	\$10,000
Demolition	Number of Demolitions	13	25	25	25	25	13	--
	Fees Collected	\$1,300	\$2,500	\$2,500	\$2,500	\$2,500	\$1,300	\$12,600
							Total Fees With New Fee	\$39,700

		Projected Total Asbestos Fees Collected (with existing fees)						
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Registration	Number of Registrations	1	1	1	1	1	1	--
	Fees Collected	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$6,000
Asbestos Inspection	Number of Inspections	1	1	1	1	1	1	--
	Fees Collected	\$100	\$100	\$100	\$100	\$100	\$100	\$600
Abatement Notification	Number of Notifications	5	10	10	10	10	5	--
	Fees Collected	\$500	\$1,000	\$1,000	\$1,000	\$1,000	\$500	\$5,000
Demolition	Number of Demolitions	13	25	25	25	25	13	--
	Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
							Total Fees With Existing Fee	\$11,600

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	\$28,100
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Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	\$5,620
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*The first full fiscal year for this rulemaking is 2018.

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

- Asbestos Registration >> \$1000 fee to \$2650.
- Asbestos Inspection >> \$100 fee to \$200.
- Abatement Notification >> \$100 fee to \$200.
- Demolition >> Start collecting \$100 fee.

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 total numbers of registrations, inspections, and notifications are based on a five-year average for fiscal years 2010 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.

3. The total number of demolitions is based on a three-year average for fiscal years 2012 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.
4. The numbers of public entity registrations, inspections, notifications, and demolitions are based on data collected for asbestos-related activities for calendar years 2013 and 2014 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2022.
5. Asbestos registration fees are based on \$2,650 per application registration fee effective January 1, 2017. This fee represents a \$1,650 increase from the fee of \$1,000 per application prior to January 1, 2017.
6. Asbestos inspection fees are based on \$200 per inspection effective January 1, 2017. This fee represents a \$100 increase from the fee of \$100 per inspection prior to January 1, 2017.
7. Asbestos abatement notification fees are based on \$200 per notification effective January 1, 2017. This fee represents a \$100 increase from the fee of \$100 per notification prior to January 1, 2017.
8. The demolition fee is currently not collected. This fee will be collected effective January 1, 2017.
9. The aggregate gain in private entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by private entities paying asbestos fees.
10. Fee collection amounts for FY 2017 through 2022 are based on an average of 113 registrations per year (1 from public entities), 86 inspections per year (1 from public entities), 346 abatement notifications per year (10 from public entities), and 535 demolitions per year (25 from public entities).
11. The fees collected are uniformly distributed throughout the fiscal years.
12. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
13. Numbers in charts are shown as whole numbers but actual numbers may include decimal places which may appear to be a variance in totals.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 10 – Department of Natural Resources**
Division Title: 10 – Air Conservation Commission
Chapter Title: 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 10-6.241 Asbestos Projects—Registration, Notification and Performance Requirements
Type of Rulemaking:	Amendment to 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:
22 (All are Private Entities)	Asbestos Training Providers	\$ 277,920 Annualized · Aggregate \$ 1,389,600 for Projected 5-Year Life
104 (of which 103 are Private Entities)	Asbestos Contractors	
1,818 (of which 1,636 are Private Entities)	Asbestos Workers and Supervisors	

III. WORKSHEET

Current Average Annual Asbestos Registration Revenue (5-Year Average) = \$113,000
 Current Asbestos Registration Fee = \$1,000
 Proposed Asbestos Registration Fee = \$2,650

Current Average Annual Asbestos Inspection Revenue (5-Year Average) = \$8,600
 Current Asbestos Inspection Fee = \$100
 Proposed Asbestos Inspection Fee = \$200

Current Average Annual Asbestos Abatement Notification Revenue (5-Year Average) = \$34,600
 Current Asbestos Abatement Notification Fee = \$100
 Proposed Asbestos Abatement Notification Fee = \$200

Asbestos Demolition Fee (currently not collected/will start collecting) = \$100
 Estimated Number of Asbestos Demolitions per Year = 535

Fiscal Year	Type of Fee	Number of Registrations/ Inspections/ Notifications	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)	Asbestos Registration Fee	57	\$149,725	\$56,500	\$93,225
2017 (1/1 - 6/30/17)	Asbestos Inspection Fee	43	\$8,600	\$4,300	\$4,300
2017 (1/1 - 6/30/17)	Asbestos Abatement Notification Fee	173	\$34,600	\$17,300	\$17,300
2017 (1/1 - 6/30/17)	Asbestos Demolition Fee	268	\$26,750	\$0	\$26,750
2018	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2018	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2018	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2018	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2019	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2019	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2019	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2019	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2020	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2020	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2020	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2020	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2021	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2021	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2021	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2021	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2022 (7/1 - 12/31/21)	Asbestos Registration Fee	57	\$149,725	\$56,500	\$93,225
2022 (7/1 - 12/31/21)	Asbestos Inspection Fee	43	\$8,600	\$4,300	\$4,300
2022 (7/1 - 12/31/21)	Asbestos Abatement Notification Fee	173	\$34,600	\$17,300	\$17,300
2022 (7/1 - 12/31/21)	Asbestos Demolition Fee	268	\$26,750	\$0	\$26,750

112 = Number of Private Entity Registrations per Year
85 = Number of Private Entity Inspections per Year
336 = Number of Private Entity Abatement Notifications per Year
510 = Number of Private Entity Demolitions per Year

		Projected Total Asbestos Fees Collected (with new fees)						5-Year Cost
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	
Asbestos Registration	Number of Registrations	56	112	112	112	112	56	--
	Fees Collected	\$148,400	\$296,800	\$296,800	\$296,800	\$296,800	\$148,400	\$1,484,000
Asbestos Inspection	Number of Inspections	43	85	85	85	85	43	--
	Fees Collected	\$8,600	\$17,000	\$17,000	\$17,000	\$17,000	\$8,600	\$85,200
Abatement Notification	Number of Notifications	168	336	336	336	336	168	--
	Fees Collected	\$33,600	\$67,200	\$67,200	\$67,200	\$67,200	\$33,600	\$336,000
Demolition	Number of Demolitions	255	510	510	510	510	255	--
	Fees Collected	\$25,500	\$51,000	\$51,000	\$51,000	\$51,000	\$25,500	\$255,000
							Total Fees With New Fee	\$2,160,200

		Projected Total Asbestos Fees Collected (with existing fees)						5-Year Cost
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	
Asbestos Registration	Number of Registrations	56	112	112	112	112	56	--
	Fees Collected	\$56,000	\$112,000	\$112,000	\$112,000	\$112,000	\$56,000	\$560,000
Asbestos Inspection	Number of Inspections	43	85	85	85	85	43	--
	Fees Collected	\$4,300	\$8,500	\$8,500	\$8,500	\$8,500	\$4,300	\$42,600
Abatement Notification	Number of Notifications	168	336	336	336	336	168	--
	Fees Collected	\$16,800	\$33,600	\$33,600	\$33,600	\$33,600	\$16,800	\$168,000
Demolition	Number of Demolitions	255	510	510	510	510	255	--
	Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
							Total Fees With Existing Fee	\$770,600

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	\$1,389,600
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Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	\$277,920
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*The first full fiscal year for this rulemaking is 2018.

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

Asbestos Registration >> \$1000 fee to \$2650.
Asbestos Inspection >> \$100 fee to \$200.
Abatement Notification >> \$100 fee to \$200.
Demolition >> Start collecting \$100 fee.

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 total numbers of registrations, inspections, and notifications are based on a five-year average for fiscal years 2010 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.

3. The total number of demolitions is based on a three-year average for fiscal years 2012 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.
4. The numbers of private entity registrations, inspections, notifications, and demolitions are based on data collected for asbestos-related activities for calendar years 2013 and 2014 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2022.
5. Asbestos registration fees are based on \$2,650 per application registration fee effective January 1, 2017. This fee represents a \$1,650 increase from the fee of \$1,000 per application prior to January 1, 2017.
6. Asbestos inspection fees are based on \$200 per inspection effective January 1, 2017. This fee represents a \$100 increase from the fee of \$100 per inspection prior to January 1, 2017.
7. Asbestos abatement notification fees are based on \$200 per notification effective January 1, 2017. This fee represents a \$100 increase from the fee of \$100 per notification prior to January 1, 2017.
8. The demolition fee is currently not collected. This fee will be collected effective January 1, 2017.
9. The aggregate gain in private entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by private entities paying asbestos fees.
10. Fee collection amounts for FY 2017 through 2022 are based on an average of 113 registrations per year (112 from private entities), 86 inspections per year (85 from private entities), 346 abatement notifications per year (336 from private entities), and 535 demolitions per year (510 from private entities).
11. The fees collected are uniformly distributed throughout the fiscal years.
12. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
13. Numbers in charts are shown as whole numbers but actual numbers may include decimal places which may appear to be 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**

PROPOSED AMENDMENT

10 CSR 10-6.250 Asbestos Projects—Certification, Accreditation and Business Exemption Requirements. The commission proposes to amend subsection (3)(C). If the commission adopts this rule action, the department does not intend to submit this rule amendment to the U.S. Environmental Protection Agency because the rulemaking to adjust the asbestos fee structure is administrative and the rule has never been approved as part of the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule requires individuals who work in asbestos projects to be certified by the Missouri Department of Natural Resources' Air Pollution Control Program, requires training providers who offer training for asbestos occupations to be accredited by the Missouri Department of Natural Resources' Air Pollution Control Program, and requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Each individual who works in asbestos projects must first obtain certification for the appropriate occupation from the department. Each person who offers training for asbestos occupations must first obtain accreditation from the department. Certain business entities who meet the requirements for state-approved exemption status must allow the department to monitor training classes provided to employees who perform asbestos projects. The purpose of this rulemaking is to change the asbestos fee structure pursuant to section 643.079.10, RSMo. This proposed rulemaking will increase the asbestos worker certification fee from twenty-five dollars (\$25) to forty dollars (\$40) per certification, increase the non-asbestos worker certification fee from seventy-five dollars (\$75) to one hundred dollars (\$100) per certification, increase the asbestos worker recertification fee from five dollars (\$5) to twenty dollars (\$20) per certification, increase the non-asbestos worker recertification fee from five dollars (\$5) to fifty dollars (\$50) per certification. The increased asbestos fees will enable the department's Air Pollution Control Program to maintain its asbestos program to protect the health of Missouri citizens. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is section 643.079.10, RSMo, and the May 28, 2015, presentation to the Missouri Air Conservation Commission.

(3) General Provisions.

(C) Certification/Recertification Fees. The department shall assess—

1. A seventy-five dollar (\$75) application fee for each individual applying for certification except for asbestos workers. **Effective January 1, 2017, the application fee is one hundred dollars (\$100);**

2. A twenty-five dollar (\$25) application fee for each asbestos worker. **Effective January 1, 2017, the application fee is forty dollars (\$40);**

3. No application fees for asbestos air sampling technicians;

4. A twenty-five dollar (\$25) fee for each Missouri asbestos examination; *[and]*

5. A five dollar (\$5) renewal fee for each renewal certificate.*]*
for asbestos workers. Effective January 1, 2017, the renewal fee

is twenty dollars (\$20); and

6. A five dollar (\$5) renewal fee for each renewal certificate for non-asbestos workers. **Effective January 1, 2017, the renewal fee is fifty dollars (\$50).**

AUTHORITY: section 643.225, RSMo [2000] Supp. 2013. Original rule filed Dec. 14, 1992, effective Sept. 9, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed July 14, 2015.

PUBLIC COST: This proposed amendment will cost three thousand four dollars (\$3,004) in FY 2017. For the years after FY 2017, the total annual aggregate cost is six thousand eight dollars (\$6,008) for the life of the rule. Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will cost thirty-four thousand eight hundred ninety-five dollars (\$34,895) in FY 2017. For the years after FY 2017, the total annual aggregate cost is sixty-nine thousand seven hundred ninety dollars (\$69,790) for the life of the rule. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 24, 2015. The public hearing will be held at the Missouri Department of Natural Resources, St. Louis Regional Office, 7545 S. Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., October 1, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: 10** – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 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 10-6.250 Asbestos Projects Certification, Accreditation and Business Exemption Requirements
Type of Rulemaking:	Amendment to Existing Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
22 Asbestos Training Providers, None of Which are Public	\$ 6,008 Annualized Aggregate \$ 30,040 for Projected 5-Year Life
104 Asbestos Contractors, 1 of Which is Public	
1,818 Asbestos Workers and Supervisors, 182 of Which are Public	

III. WORKSHEET

Current Average Annual Asbestos Worker Certification Revenue (5-Year Average) = \$11,700
 Current Asbestos Worker Certification Fee = \$25
 Proposed Asbestos Worker Certification Fee = \$40

Current Average Annual Non-Asbestos Worker Certification Revenue (5-Year Average) = \$28,000
 Current Non-Asbestos Worker Certification Fee = \$75
 Proposed Non-Asbestos Worker Certification Fee = \$100

Current Average Annual Asbestos Worker Recertification Revenue (5-Year Average) = \$7,785
 Current Asbestos Worker Recertification Fee = \$5
 Proposed Asbestos Worker Recertification Fee = \$20

Current Average Annual Non-Asbestos Worker Recertification Revenue (5-Year Average) = \$4,010
 Current Non-Asbestos Worker Recertification Fee = \$5
 Proposed Non-Asbestos Worker Recertification Fee = \$50

Fiscal Year	Type of Fee	Number of Certifications/ Recertifications/ Exams/ Accreditations/ Exemptions	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)	Asbestos Worker Certification Fee	234	\$9,360	\$5,850	\$3,510
2017 (1/1 - 6/30/17)	Non-Asbestos Worker Certification Fee	187	\$18,667	\$14,000	\$4,667
2017 (1/1 - 6/30/17)	Asbestos Worker Recertification Fee	779	\$15,570	\$3,893	\$11,678
2017 (1/1 - 6/30/17)	Non-Asbestos Worker Recertification Fee	401	\$20,050	\$2,005	\$18,045
2018	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020
2018	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333
2018	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355
2018	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090
2019	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020
2019	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333
2019	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355
2019	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090
2020	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020
2020	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333
2020	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355
2020	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090
2021	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020
2021	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333
2021	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355
2021	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090
2022 (7/1 - 12/31/21)	Asbestos Worker Certification Fee	234	\$9,360	\$5,850	\$3,510
2022 (7/1 - 12/31/21)	Non-Asbestos Worker Certification Fee	187	\$18,667	\$14,000	\$4,667
2022 (7/1 - 12/31/21)	Asbestos Worker Recertification Fee	779	\$15,570	\$3,893	\$11,678
2022 (7/1 - 12/31/21)	Non-Asbestos Worker Recertification Fee	401	\$20,050	\$2,005	\$18,045

14 = Number of Public Entity Asbestos Worker Certifications per Year
 25 = Number of Public Entity Non-Asbestos Worker Certifications per Year
 31 = Number of Public Entity Asbestos Worker Recertifications per Year
 104 = Number of Public Entity Non-Asbestos Worker Recertifications per Year

		Projected Total Asbestos Fees Collected (with new fees)						
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	7	14	14	14	14	7	--
	Fees Collected	\$280	\$560	\$560	\$560	\$560	\$280	\$2,800
Non-Asbestos Worker Certification	Number of Certifications	13	26	26	26	26	13	--
	Fees Collected	\$1,300	\$2,600	\$2,600	\$2,600	\$2,600	\$1,300	\$13,000
Asbestos Worker Recertification	Number of Recertifications	16	31	31	31	31	16	--
	Fees Collected	\$320	\$620	\$620	\$620	\$620	\$320	\$3,120
Non-Asbestos Worker Recertification	Number of Recertifications	52	104	104	104	104	52	--
	Fees Collected	\$2,600	\$5,200	\$5,200	\$5,200	\$5,200	\$2,600	\$26,000
Total Fees With New Fee								\$44,920

		Projected Total Asbestos Fees Collected (with existing fees)						
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	7	14	14	14	14	7	--
	Fees Collected	\$175	\$350	\$350	\$350	\$350	\$175	\$1,750
Non-Asbestos Worker Certification	Number of Certifications	13	26	26	26	26	13	--
	Fees Collected	\$975	\$1,950	\$1,950	\$1,950	\$1,950	\$975	\$9,750
Asbestos Worker Recertification	Number of Recertifications	16	31	31	31	31	16	--
	Fees Collected	\$80	\$155	\$155	\$155	\$155	\$80	\$780
Non-Asbestos Worker Recertification	Number of Recertifications	52	104	104	104	104	52	--
	Fees Collected	\$260	\$520	\$520	\$520	\$520	\$260	\$2,600
Total Fees With Existing Fee								\$14,880

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	\$30,040
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Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	\$6,008
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*The first full fiscal year for this rulemaking is 2018.

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

Asbestos Worker Certification >> \$25 fee to \$40.
 Non-Asbestos Worker Certification >> \$75 fee to \$100.
 Asbestos Worker Recertification >> \$ 5 fee to \$20.
 Non-Asbestos Worker Recertification >> \$ 5 fee to \$50.

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 total numbers of certifications and recertifications are based on a five-year average for fiscal years 2010 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.
3. The numbers of public entity certifications and recertifications are based on data collected for asbestos-related activities for calendar years 2013 and 2014 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2022.
4. The fees for exams, accreditations, and exemptions are not being changed in this rulemaking. Therefore, they are not included in this fiscal analysis.

5. Asbestos worker certification fees are based on \$40 per certification effective January 1, 2017. This fee represents a \$15 increase from the fee of \$25 per certification prior to January 1, 2017.
6. Non-asbestos worker certification fees are based on \$100 per certification effective January 1, 2017. This fee represents a \$25 increase from the fee of \$75 per certification prior to January 1, 2017.
7. Asbestos worker recertification fees are based on \$20 per recertification effective January 1, 2017. This fee represents a \$15 increase from the fee of \$5 per recertification prior to January 1, 2017.
8. Non-asbestos worker recertification fees are based on \$50 per recertification effective January 1, 2017. This fee represents a \$45 increase from the fee of \$5 per recertification prior to January 1, 2017.
9. The aggregate gain in public entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by public entities paying asbestos fees.
10. Fee collection amounts for FY2017 through 2022 are based on an average of 468 asbestos worker certifications per year (14 from public entities), 373 non-asbestos worker certifications per year (26 from public entities), 1557 asbestos worker recertifications per year (31 from public entities), and 802 non-asbestos worker recertifications per year (104 from public entities).
11. The fees collected are uniformly distributed throughout the fiscal years.
12. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
13. Numbers in charts are shown as whole numbers but actual numbers may include decimal places which may appear to be a variance in totals.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** 10 – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 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 10-6.250 Asbestos Projects—Certification, Accreditation and Business Exemption Requirements
Type of Rulemaking:	Amendment to 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:
22 (All are Private Entities)	Asbestos Training Providers	\$ 69,790 Annualized Aggregate \$ 348,950 for Projected 5-Year Life
104 (of which 103 are Private Entities)	Asbestos Contractors	
1818 (of which 1,636 are Private Entities)	Asbestos Workers and Supervisors	

III. WORKSHEET

Current Average Annual Asbestos Worker Certification Revenue (5-Year Average) = \$11,700
 Current Asbestos Worker Certification Fee = \$25
 Proposed Asbestos Worker Certification Fee = \$40

Current Average Annual Non-Asbestos Worker Certification Revenue (5-Year Average) = \$28,000
 Current Non-Asbestos Worker Certification Fee = \$75
 Proposed Non-Asbestos Worker Certification Fee = \$100

Current Average Annual Asbestos Worker Recertification Revenue (5-Year Average) = \$7,785
 Current Asbestos Worker Recertification Fee = \$5
 Proposed Asbestos Worker Recertification Fee = \$20

Current Average Annual Non-Asbestos Worker Recertification Revenue (5-Year Average) = \$4,010
 Current Non-Asbestos Worker Recertification Fee = \$5
 Proposed Non-Asbestos Worker Recertification Fee = \$50

Fiscal Year	Type of Fee	Number of Certifications/ Recertifications/ Exams/ Accreditations/ Exemptions	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)	Asbestos Worker Certification Fee	234	\$9,360	\$5,850	\$3,510
2017 (1/1 - 6/30/17)	Non-Asbestos Worker Certification Fee	187	\$18,667	\$14,000	\$4,667
2017 (1/1 - 6/30/17)	Asbestos Worker Recertification Fee	779	\$15,570	\$3,893	\$11,678
2017 (1/1 - 6/30/17)	Non-Asbestos Worker Recertification Fee	401	\$20,050	\$2,005	\$18,045
2018	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020
2018	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333
2018	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355
2018	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090
2019	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020
2019	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333
2019	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355
2019	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090
2020	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020
2020	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333
2020	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355
2020	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090
2021	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020
2021	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333
2021	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355
2021	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090
2022 (7/1 - 12/31/21)	Asbestos Worker Certification Fee	234	\$9,360	\$5,850	\$3,510
2022 (7/1 - 12/31/21)	Non-Asbestos Worker Certification Fee	187	\$18,667	\$14,000	\$4,667
2022 (7/1 - 12/31/21)	Asbestos Worker Recertification Fee	779	\$15,570	\$3,893	\$11,678
2022 (7/1 - 12/31/21)	Non-Asbestos Worker Recertification Fee	401	\$20,050	\$2,005	\$18,045

454 = Number of Private Entity Asbestos Worker Certifications per Year
 347 = Number of Private Entity Non-Asbestos Worker Certifications per Year
 1526 = Number of Private Entity Asbestos Worker Recertifications per Year
 698 = Number of Private Entity Non-Asbestos Worker Recertifications per Year

		Projected Total Asbestos Fees Collected (with new fees)						
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	227	454	454	454	454	227	--
	Fees Collected	\$9,080	\$18,160	\$18,160	\$18,160	\$18,160	\$9,080	\$90,800
Non-Asbestos Worker Certification	Number of Certifications	174	347	347	347	347	174	--
	Fees Collected	\$17,400	\$34,700	\$34,700	\$34,700	\$34,700	\$17,400	\$173,600
Asbestos Worker Recertification	Number of Recertifications	763	1526	1526	1526	1526	763	--
	Fees Collected	\$15,260	\$30,520	\$30,520	\$30,520	\$30,520	\$15,260	\$152,600
Non-Asbestos Worker Recertification	Number of Recertifications	349	698	698	698	698	349	--
	Fees Collected	\$17,450	\$34,900	\$34,900	\$34,900	\$34,900	\$17,450	\$174,500
Total Fees With New Fee								\$591,500

		Projected Total Asbestos Fees Collected (with existing fees)						
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	227	454	454	454	454	227	--
	Fees Collected	\$5,675	\$11,350	\$11,350	\$11,350	\$11,350	\$5,675	\$56,750
Non-Asbestos Worker Certification	Number of Certifications	174	347	347	347	347	174	--
	Fees Collected	\$13,050	\$26,025	\$26,025	\$26,025	\$26,025	\$13,050	\$130,200
Asbestos Worker Recertification	Number of Recertifications	763	1526	1526	1526	1526	763	--
	Fees Collected	\$3,815	\$7,630	\$7,630	\$7,630	\$7,630	\$3,815	\$38,150
Non-Asbestos Worker Recertification	Number of Recertifications	349	698	698	698	698	349	--
	Fees Collected	\$1,745	\$3,490	\$3,490	\$3,490	\$3,490	\$1,745	\$17,450
Total Fees With Existing Fee								\$242,550

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	\$348,950
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Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	\$69,790
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*The first full fiscal year for this rulemaking is 2018.

**Difference in estimated annualized aggregate costs when raising asbestos fees as follows:
 Asbestos Worker Certification >> \$25 fee to \$40.
 Non-Asbestos Worker Certification >> \$75 fee to \$100.
 Asbestos Worker Recertification >> \$ 5 fee to \$20
 Non-Asbestos Worker Recertification >> \$ 5 fee to \$50.

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 total numbers of certifications and recertifications are based on a five-year average for fiscal years 2010 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.
3. The numbers of private entity certifications and recertifications are based on data collected for asbestos-related activities for calendar years 2013 and 2014 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2022.
4. The fees for exams, accreditations, and exemptions are not being changed in this rulemaking. Therefore, they are not included in this fiscal analysis.

5. Asbestos worker certification fees are based on \$40 per certification effective January 1, 2017. This fee represents a \$15 increase from the fee of \$25 per certification prior to January 1, 2017.
6. Non-asbestos worker certification fees are based on \$100 per certification effective January 1, 2017. This fee represents a \$25 increase from the fee of \$75 per certification prior to January 1, 2017.
7. Asbestos worker recertification fees are based on \$20 per recertification effective January 1, 2017. This fee represents a \$15 increase from the fee of \$5 per recertification prior to January 1, 2017.
8. Non-asbestos worker recertification fees are based on \$50 per recertification effective January 1, 2017. This fee represents a \$45 increase from the fee of \$5 per recertification prior to January 1, 2017.
9. The aggregate gain in private entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by private entities paying asbestos fees.
10. Fee collection amounts for FY2017 through 2022 are based on an average of 468 asbestos worker certifications per year (454 from private entities), 373 non-asbestos worker certifications per year (347 from private entities), 1557 asbestos worker recertifications per year (1526 from private entities), and 802 non-asbestos worker recertifications per year (698 from private entities).
11. The fees collected are uniformly distributed throughout the fiscal years.
12. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
13. Numbers in charts are shown as whole numbers but actual numbers may include decimal places which may appear to be a variance in totals.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 9—Filing Requirements**

PROPOSED RULE

20 CSR 100-9.100 Requirements for the Filing of Papers, Documents, or Reports with the Insurance Market Regulation Division

PURPOSE: The purpose of this rule is to establish the use of electronic filing of papers, documents, or reports via System for Electronic Rate and Form Filing (SERFF), to establish when a document is identified as filed with the department, and to establish the use of electronic funds transfers for the purpose of paying filing fees.

(1) Scope. This rule is applicable to any company filing papers, documents, or reports, which are required to be filed under Missouri law, with the Insurance Market Regulation Division, as permitted by law.

(2) Definitions. As used in 20 CSR 100-9.100 the following terms mean:

(A) Company—any entity licensed under a Certificate of Authority issued by the director to conduct business in this state including, but not limited to, insurers and health carriers as defined in section 376.1350, RSMo. Company is also defined to include any third party filer, advisory organization, or rating organization conducting business in this state;

(B) Deliver—the act by a company of providing a document, paper, or report to the department;

(C) Department—the Department of Insurance, Financial Institutions and Professional Registration;

(D) Director—the director of the department;

(E) Disposition—the final status assigned to a document upon completion of the review of the document;

(F) Division—the Insurance Market Regulation Division;

(G) Document—any form, rate, or rule that is legally required to be delivered either to the division, or to the department or director through the division, and any other form, rate, or rule intended to be delivered either to the division, or to the department or director through the division. Documents do not include any form, rate, or rule that is legally required to be delivered either to the market conduct section or to the department or director through the market conduct section;

(H) Filing Submission—one or more related documents, which have been delivered through SERFF under a single SERFF tracking number by a company, that has not yet been treated as filed, received, or deficient;

(I) Filing Type—categories provided within SERFF that denote the insurance product;

(J) Form—any policy, policy of insurance, policy form, form of membership contract, standard form, title insurance policy, form of the group contract, deductible plan, enrollee contract, contract certificate, certificate of insurance, endorsement, rider, amendment form, contract amendment, amendment, standard form endorsements, application, application of insurance, provider contracts, form of evidence of coverage, schedule of benefits, grievance procedures, applications, applications of insurance, title insurance commitments, closing or settlement protection letters, term, condition, exception, notice of proposed insurance, anything that acts in a manner similar to any of the foregoing, and any amendment to any of the foregoing;

(K) NAIC—National Association of Insurance Commissioners;

(L) Paper—any notice, contract, or agreement that is legally required to be delivered either to the division, or to the department or director through the division, and any other notice, contract, or

agreement intended to be delivered either to the division, or to the department or director through the division. A paper does not include any notice, contract, or agreement that is legally required to be delivered either to the market conduct section or to the department or director through the market conduct section;

(M) Rate—rates, rating plan, rating system, premium schedule, schedule of premium rates, supporting actuarial data, supplementary rate information, supporting information for risks, certifications, uniform experience rating plan, individual risk premium modification rating plan, anything else that acts in a manner similar to any of the foregoing, and any amendment to any of the foregoing;

(N) Report—any report that is legally required to be delivered either to the division, or to the department or director through the division, and any other report intended to be delivered either to the division, or to the department or director through the division. A report does not include: any statistical data submitted to the division pursuant to a data call under section 374.190, RSMo, or any report that is legally required to be delivered either to the market conduct section or to the department or director through the market conduct section;

(O) Rule—any plan of operation, bylaws, rules of procedure, statistical plan, uniform statistical plan, uniform classification system, subclassification of the uniform classification system, manual of classification, manual rule, rule, underwriting rule, anything that acts in a manner similar to any of the foregoing, and any amendment to any of the foregoing;

(P) SERFF—System for Electronic Rate and Form Filing as maintained by the NAIC;

(Q) Submit—the act by a company of delivering a document to the division through SERFF;

(R) Supersede—the act by a company of replacing one document with another document when the document that was to be replaced has not yet been given a disposition by the department;

(S) TOI—Type of Insurance – codes provided within SERFF to categorize insurance products.

(3) Filing Requirements.

(A) All documents must be submitted.

(B) A company's filing submission will be treated as filed, received, or deficient.

1. A document is "filed" if it includes:

A. The appropriate filing fee;

B. The proper TOI code;

C. The proper filing type;

D. Documents to be reviewed that are attached to the appropriate SERFF schedule/tab;

E. All necessary supporting documentation; and

F. Compliance with all other filing requirements as set forth in Missouri law.

2. A document is "received" if it includes the appropriate filing fee, and—

A. It is not intended by the company to be filed, or

B. The submission does not include a necessary component to qualify as filed.

3. A document is "deficient" and will be rejected if it does not include the appropriate filing fee.

(C) Only documents that are filed will be reviewed for compliance with Missouri laws as applicable.

(D) Any document that supersedes another document within a filing submission will be treated as a new filing submission. The new filing submission must meet all requirements within this rule except that no additional fee will be charged.

(E) Any document that is superseded by another document is withdrawn by the company from review by the division and is no longer submitted.

(4) Filing Fees.

(A) Any filing submission, except as provided below or otherwise

provided by statute, must include a filing fee of fifty dollars (\$50) per submission per company.

1. With respect to a farm mutual, formed under Chapter 380, RSMo, no filing fee is required for any such filing submission.

2. With respect to any extended farm mutual, formed under Chapter 380, RSMo, any such filing submission must include a filing fee of ten dollars (\$10) per form.

3. With respect to any discount medical plan, formed under Chapter 376, RSMo, any such filing submission must include a filing fee of twenty-five dollars (\$25) per form.

(B) Any filing submission, paper, or report must be paid for through the SERFF Electronic Funds Transfer (EFT) system.

AUTHORITY: sections 354.120, 354.723, 375.013, 376.675, 376.1025, 376.1095, 379.351, and 380.561, RSMo 2000, and sections 354.085, 354.485, 374.045, 374.056, 376.405, 376.777, 376.1399, 381.042, and 383.035, RSMo Supp. 2013. Original rule filed July 15, 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 is estimated to cost private entities eight thousand two hundred eighty dollars (\$8,280) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Ross A. Kaplan, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Friday, September 18, 2015 at 9:00 a.m. at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri.*

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Department of Insurance, Financial Institutions and Professional Registration
Division Title: Insurance Market Regulation Division
Chapter Title: Filing Requirements

Rule Number and Title:	20 CSR 100-9.100, Requirements for the Filing of Papers, Documents, or Reports with the Insurance Market Regulation Division
Type of Rulemaking:	New Regulation

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:
43 entities with a total of 360 filings over 5 years	Property and Casualty Insurers	\$5,400
4 entities with a total of 192 filings	Life and Health Insurers	\$2,880

III. WORKSHEET

(Projected number of paper filings from 2015 through 2019) x (SERFF user fee) = aggregate cost

Property and Casualty Insurers: $(86+78+70+66+60) \times (\$15) = \$5,400$

Life and Health Insurers: $(47+42+37+35+31) \times (\$15) = \$2,880$

Aggregate Cost (5 year projection) = $\$5,400 + \$2,800 = \$8,280$

IV. ASSUMPTIONS

The Department began using the System for Electronic Rate and Form Filing ("SERFF") in 2007. From that time until the present, utilization of SERFF for insurance filings has been voluntary on the part of the companies. From 2010 until 2015 both the number of companies making paper filings and the number of paper filings submitted has dropped significantly as companies have continued to voluntarily adopt the use of SERFF.

Separate from the Department's filing fee, SERFF has a user fee of fifteen dollars (\$15) per filing made within SERFF.¹

Using SERFF data from 2010 through 2014, the Department created a trend line to project the number of companies making paper filings and the number of such filings that will be made over the next five years in an attempt to accurately determine the aggregate cost to private entities. Section 536.205.1(3) requires an estimate of aggregate cost to private entities to comply with the rule. However, because the life of the rule is unknown, it is impossible to determine a total aggregate cost. Thus, the Department has utilized the aforementioned 5-year projection. While the aggregate cost will likely increase yearly beyond the next five years, the trend line projects that such yearly increase will be smaller and smaller each subsequent year yet never reach zero.

For perspective with regard to the private cost and total impact of this rule:

- 1) While the aggregate cost to private entities is projected to be \$8,280, the total premium volume for the Missouri insurance industry in 2013 was \$32,914,611,786.²
- 2) Additionally, while the aggregate number of paper filings affected by this rule is projected to be 552, the total number of filings made to the Department over the prior five years is 53,222.

¹ There is a discounted price if a company makes bulk filings, but no company currently making paper filings would reach the threshold to receive the discounted rate in any given year; therefore, the fifteen dollar (\$15) primary rate is used for the purposes of the cost calculation.

² 2013 is the most recent data collected at this time.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 200—Insurance Solvency and Company
Regulation**

Chapter 6—Surplus Lines

PROPOSED RULE

**20 CSR 200-6.700 Procedures for Forming and Operating a
Missouri Domestic Surplus Lines Insurer**

PURPOSE: The purpose of this rule is to prescribe procedures to be followed in applications for a certificate of authority to form and operate a Missouri domestic surplus lines insurer. This rule also effectuates and aids in the interpretation of section 384.018, RSMo.

(1) The procedures outlined in this section are the procedures required for the successful formation of a Missouri domestic surplus lines insurer authorized to write any kind of insurance that a nonadmitted insurer not domiciled in Missouri is eligible to write.

(A) The insurer must be admitted and domiciled in Missouri. Any foreign insurance company or incorporators wishing to become or form a Missouri domestic surplus lines insurer must satisfy this requirement in one (1) of the two (2) following manners:

1. Any foreign insurance company wishing to become a Missouri domestic surplus lines insurer must first redomesticate to Missouri pursuant to the procedures outlined in section 375.908, RSMo, and 20 CSR 200-17.300; or

2. Any incorporators wishing to form a Missouri domestic surplus lines insurer must first form a Missouri domestic insurance company pursuant to the procedures outlined in sections 379.010-379.065, RSMo (insurance companies other than life), and 20 CSR 200-17.100.

(B) The insurer must furnish to the director proof that the insurer possesses policyholder surplus of at least twenty million dollars (\$20,000,000).

(C) The insurer must furnish to the director proof that the insurer is an approved or eligible surplus lines insurer in at least one (1) jurisdiction other than Missouri.

(D) The board of directors of the insurer must pass a resolution seeking to be a domestic surplus lines insurer in Missouri.

(E) The insurer must provide a copy of its current articles of incorporation. The director may waive this requirement at his/her discretion if such articles of incorporation are already on file with the department and no amendments have been made.

(F) The insurer must provide a copy of its current bylaws. The director may waive this requirement at his/her discretion if such bylaws are already on file with the department and no amendments have been made.

(G) The insurer must pay any required filing fees pursuant to section 374.230, RSMo.

(H) The insurer must submit all biographical affidavits for all officers, directors, and other key personnel of the company. The director may waive this requirement in whole or part at his/her discretion if such biographical affidavits are already on file with the department and no changes have been made to the officers, directors, and other key personnel of the company.

(I) The insurer must submit any other information requested by the director relevant to the issuance of a certificate of authority as a domestic surplus lines insurer.

(J) The insurer must surrender to the director its certificate of authority to transact admitted insurance business in the state of Missouri.

(K) Upon satisfaction that the requirements outlined in subsections (1)(A)–(J) of this section have been met, the director will accept the surrender outlined in subsection (1)(J) of this section and concurrently issue the company a certificate of authority, which shall constitute

written approval for the company to be a domestic surplus lines insurer pursuant to section 384.018.1(4), RSMo.

(L) For insurers that choose to satisfy the requirements of subdivision 1 or 2 of subsection (1)(A) simultaneously with subsections (1)(B)–(I), subsection (1)(J) will be deemed satisfied without the issuance and subsequent surrender of a certificate of authority to transact admitted insurance business. Insurers already in possession of a certificate of authority to transact admitted insurance business must satisfy subsection (1)(J) as written.

(2) All financial and solvency requirements imposed by Chapters 374, 375, 379, and 382, RSMo, upon domestic admitted insurers shall apply to domestic surplus lines insurers unless domestic surplus lines insurers are otherwise specifically exempted. These financial and solvency requirements shall include, but not be limited to:

(A) Financial examination pursuant to sections 374.202 to 374.207, RSMo;

(B) The deposit requirement in section 379.098, RSMo. For the purposes of section 379.010, RSMo, a domestic surplus lines insurer shall be considered to be making two (2) or more classes of insurance. The deposit required in order to satisfy subsection (1)(A) above, may continue to be held in satisfaction of this requirement, provided the deposit is of the amount specified in section 379.010.2, RSMo, for a company making two (2) or more classes of insurance;

(C) Requirements imposed by Chapter 382, RSMo, which are all deemed to be financial and solvency requirements for the purposes of section 384.018.6, RSMo; and

(D) All other financial and solvency requirements imposed by Chapters 374, 375, 379, and 382, RSMo, upon domestic admitted insurers.

(3) All requirements imposed by Chapter 384, RSMo, upon nonadmitted insurers shall apply to domestic surplus lines insurers unless domestic surplus lines insurers are otherwise specifically exempted.

(4) A financial or solvency requirement imposed by Chapter 384, RSMo, upon domestic surplus lines insurers shall supersede a requirement imposed under section 384.018.6, RSMo and section (2) of this rule only to the extent that Chapter 384, RSMo, addresses the same financial or solvency requirement. This supersession shall be construed narrowly. Any ambiguity as to the supersession of a requirement imposed under section 384.018.6, RSMo and section (2) of this rule shall be interpreted in support of the continued application of such requirement.

(5) For the purposes of section 374.230(3), RSMo, the certificate of authority issued pursuant to section 384.018.1(4), RSMo and subsection (1)(K) of this rule shall be a certificate of authority for which annual renewal is required.

(6) By way of the certificate of authority issued to a domestic surplus lines insurer pursuant to section 384.018.1(4), RSMo and subsection (1)(K) of this rule, a Missouri domestic surplus lines insurer shall be authorized to write that kind of insurance in Missouri as required by section 384.021.1(1), RSMo.

(7) Credit shall be allowed pursuant to section 375.246.1(1), RSMo for reinsurance ceded to a Missouri domestic surplus lines insurer.

AUTHORITY: section 374.045, RSMo Supp. 2013, and section 384.018, RSMo Supp. 2014. Original rule filed July 15, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Kelly A. Hopper, PO Box 690, Jefferson City, MO 65102. A public hearing is scheduled for 10:00 a.m., Sept. 18, 2015, at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. To be considered, comments must be received no later than the date of the public hearing, which is thirty-two (32) days after publication of this notice in the **Missouri Register**.*

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 400—Life, Annuities and Health
Chapter 11—Navigators**

PROPOSED RULE

20 CSR 400-11.140 Renewal Applications and Fees—Individual Navigators and Entity Navigators

PURPOSE: This rule prescribes the license renewal application process and fees for individual navigators and entity navigators. All forms referenced in this regulation may be accessed at the department's website at www.insurance.mo.gov.

(1) Renewal Application and Fees. Application for renewal of a navigator license shall include the following, as applicable:

(A) Individual Navigator.

1. A completed renewal application form, which is included herein as Exhibit 1 of this rule, or any form which substantially comports with the specified form;

2. Twenty-five dollar (\$25) application fee. If the renewal application is not received before the license expires, a late fee of ten dollars (\$10) must be added to the application fee; and

3. A completed Navigator Continuing Education Certification Summary form referenced in 20 CSR 400-11.120(1)(C); or

(B) Entity Navigator.

1. A completed renewal application form, which is included herein as Exhibit 2 of this rule, or any form which substantially comports with the specified form;

2. Fifty dollar (\$50) application fee. If the renewal application is not received before the license expires, a late fee of fifteen dollars (\$15) must be added to the application fee; and

3. List of all Missouri-licensed navigators conducting business on behalf of the entity.

EXHIBIT 1



MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
LICENSING SECTION
APPLICATION FOR NAVIGATOR LICENSE RENEWAL

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

PLEASE PRINT OR TYPE										
1. SOCIAL SECURITY NUMBER						2. DATE OF BIRTH				
3. LAST NAME			JR./SR., ETC.			4. FIRST NAME			5. MIDDLE NAME	
6. RESIDENCE/HOME ADDRESS (PHYSICAL STREET)				7. P.O. BOX		8. CITY		9. STATE	10. ZIP CODE	11. COUNTRY
12. HOME TELEPHONE NUMBER				13. MOBILE TELEPHONE NUMBER				14. PERSONAL EMAIL ADDRESS		
15. GENDER (CHECK ONE) <input type="checkbox"/> Male <input type="checkbox"/> Female		16. ARE YOU A CITIZEN OF THE UNITED STATES? (CHECK ONE) (IF NO, PLEASE ATTACH DOCUMENTATION THAT PROVES YOUR ELIGIBILITY TO WORK IN THE UNITED STATES) <input type="checkbox"/> Yes <input type="checkbox"/> No If no, of which country are you a citizen?								
17. BUSINESS ENTITY NAME										
18. BUSINESS ENTITY ADDRESS (PHYSICAL STREET)				19. P.O. BOX		20. CITY		21. STATE	22. ZIP CODE	23. COUNTRY
24. BUSINESS TELEPHONE NUMBER (INCLUDE EXT.)			25. BUSINESS FAX NUMBER			26. BUSINESS E-MAIL ADDRESS			27. BUSINESS WEBSITE ADDRESS	
28. APPLICANT'S MAILING ADDRESS			29. P.O. BOX		30. CITY		31. STATE	32. ZIP CODE	33. COUNTRY	
34. LIST ALL OTHER ASSUMED, FICTITIOUS, ALIAS, MAIDEN OR TRADE NAMES YOU HAVE USED IN THE PAST.										

BACKGROUND INFORMATION

35. The Applicant must read the following very carefully and answer every question. All written statements submitted by the Applicant must include an original signature.

1. Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime, which has not been previously reported to this insurance department? YES NO

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department? YES NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions, in your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

BACKGROUND INFORMATION

3. Have you failed to pay state or federal income tax, which has not been previously reported to this insurance department? YES NO
- Have you failed to comply with an administrative or court order directing payment of state or federal income tax, which has not been previously reported to this insurance department? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement explaining the circumstances of each administrative or court order;
 - b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.);
 - c) a certified copy of each administrative or court order, judgment, and/or lien; and
 - d) a certified copy of the official document which demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).
4. Are you currently a party to, or ever been found liable in, any lawsuit, arbitration or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty, which has not been previously reported to this insurance department? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident,
 - b) a certified copy of the Petition, Complaint or other document that commenced the lawsuit and/or arbitration, or mediation proceedings, and
 - c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.
5. Have you ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct, which has not been previously reported to this insurance department? YES NO
- Has any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct, which has not been previously reported to this insurance department? YES NO
- Have you or any business in which you are or were a member or manager of a Limited Liability Company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct, which has not been previously reported to this insurance department? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a navigator license, and
 - b) copies of all relevant documents.
6. Do you currently have or have you had a child support obligation, which has not been previously reported to this insurance department? YES NO
- If you answer yes:
- a) are you in arrearage? YES NO
 - b) by how many months are you in arrearage? _____ months
 - c) what is the total amount of your arrearage? _____
 - d) are you currently subject to a repayment agreement to cure the arrearage? YES NO
 - e) are you in compliance with said repayment agreement? YES NO
 - f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.) YES NO
 - g) have you ever been convicted of a misdemeanor or felony for failure to pay child support? YES NO

EMPLOYMENT HISTORY

36. Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment and full-time education.

			FROM		TO		POSITION HELD
			MONTH	YEAR	MONTH	YEAR	
NAME							
CITY	STATE	COUNTRY					
NAME							
CITY	STATE	COUNTRY					
NAME							
CITY	STATE	COUNTRY					
NAME							
CITY	STATE	COUNTRY					

APPLICANT'S CERTIFICATION AND ATTESTATION

37. The Applicant must read the following very carefully:

1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
2. I further certify that I grant permission to the Director to verify my information with any federal, state and/or local government agency, current or former employer, or insurance company.
3. I further certify under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 35.3.
4. I further certify, under penalty of perjury, that a) I have no child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.
5. I authorize the Director to give any information concerning me, as permitted by law, to any federal, state or municipal agency, or any other governmental organization. I further release the Director and all persons acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.

ORIGINAL APPLICANT SIGNATURE

FULL LEGAL NAME (PRINTED OR TYPED)

DATE (MONTH/DAY/YEAR)

INSTRUCTIONS

1. All applicants must submit a \$25 application fee in the form of a check or money order, made payable to DIFP - Insurance.
2. Attach Navigator Continuing Education Certification Summary (MO 375-0894) to show compliance with section 376.2006, RSMo and 20 CSR 400-11.120.
3. Mail completed application to: MO DIFP – Insurance
P.O. Box 4001
Jefferson City, MO 65102-4001

EXHIBIT 2



MISSOURI DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
LICENSING SECTION

P.O. BOX 690 OF
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

APPLICATION FOR NAVIGATOR ENTITY LICENSE RENEWAL

PLEASE PRINT OR TYPE		
1. NAVIGATOR ENTITY NAME	2. INCORPORATION/FORMATION DATE (MONTH/DAY/YEAR)	3. FEIN
4. LIST ALL NAMES UNDER WHICH YOU ARE DOING BUSINESS	5. STATE OF DOMICILE	6. COUNTRY OF DOMICILE
7. CONTACT NAME		
8. BUSINESS ADDRESS	9. CITY	10. STATE
11. ZIP OR FOREIGN COUNTRY		
12. TELEPHONE NUMBER	13. FAX NUMBER	14. BUSINESS WEBSITE ADDRESS
15. BUSINESS EMAIL ADDRESS		
16. MAILING ADDRESS	17. P.O. BOX	18. CITY
19. STATE		
20. ZIP OR FOREIGN COUNTRY		

BACKGROUND INFORMATION

21. Please read the following very carefully and answer every question. All copies of documents must be certified. All written statements submitted by the Applicant must include an original signature.

1. Has the navigator entity or any owner, partner, officer or director ever been convicted of, or is the navigator entity or any owner, partner, officer or director currently charged with, committing a crime, whether or not adjudication was withheld, which has not been previously reported to this insurance department? YES NO

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations and juvenile offenses.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

"Whether or not adjudication was withheld" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Has the navigator entity or any owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license, which has not been previously reported to this insurance department? YES NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

3. Has the navigator entity or any owner, partner, officer or director ever been notified of any delinquent income tax obligation, which has not been previously reported to this insurance department? YES NO

If you answer yes, identify the jurisdiction(s): _____

4. Is the navigator entity or any owner, partner, officer or director a party to, or ever been found liable in any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach or fiduciary duty, which has not been previously reported to this insurance department? YES NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a copy of the Petition, Complaint or other document that commenced the lawsuit or arbitration, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

APPLICANT'S CERTIFICATION AND ATTESTATION

22. The undersigned owner, partner, officer or director of the navigator entity hereby certifies, under penalties of perjury, that:

1. All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation and may subject me and the navigator entity to civil or criminal penalties.
2. The navigator entity grants permission to the Department to verify any information supplied herein with any federal, state or local government agency.
3. I authorize the Director to give any information concerning the navigator entity or any owner, partner, officer or director, to any federal, state or municipal agency, or any other organization and I release the Director and any person acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.
4. I acknowledge that I am familiar with the navigator laws and regulations of Missouri.
5. If required, I have received a Certificate of Good Standing from Missouri's Secretary of State.

SIGNATURE

TYPED OR PRINTED NAME

TITLE

SOCIAL SECURITY NUMBER

ADDRESS (CITY, STATE, ZIP CODE)

NOTARY

NOTARY PUBLIC EMBOSSEY OR
BLACK INK RUBBER STAMP SEAL

STATE

COUNTY (OR CITY OF ST. LOUIS)

SUBSCRIBED AND SWORN BEFORE ME, THIS

DAY OF

YEAR

USE RUBBER STAMP IN CLEAR AREA BELOW.

NOTARY PUBLIC SIGNATURE

MY COMMISSION
EXPIRES

NOTARY PUBLIC NAME (TYPED OR PRINTED)

INSTRUCTIONS

Application for initial licensure for a navigator entity shall include the following, as applicable:

1. A completed Application for Navigator Entity License Renewal.
2. \$50 fee in the form of a check or money order, made payable to DIFP - Insurance.
3. Attach a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity. (Changes to this list shall be reported to the department within twenty days of the change.)
4. Mail completed application packet to:
 - MO DIFP – Insurance
 - PO Box 4001
 - Jefferson City MO 65102-4001

AUTHORITY: sections 374.045, 376.2006, and 376.2014, RSMo Supp. 2013. Emergency rule filed July 15, 2015, effective July 25, 2015, expires Feb. 25, 2016. Original rule filed July 15, 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 cost private entities an estimated twenty-four thousand seven hundred fifty dollars (\$24,750) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Amy V. Hoyt, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 11:00 a.m. on September 18, 2015, at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri.*

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST**

**I. Department of Insurance, Financial Institutions and Professional Registration
Division 400 – Life, Annuities and Health
Chapter 11 - Navigators**

Rule Number and Title:	20 CSR 400-11.140 Renewal Applications and Fees – Individual Navigators and Entity Navigators
Type of Rulemaking:	Proposed 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:
800 Navigator Individuals	Individuals seeking license renewal under state law as navigators	\$20,000
95 Navigator Entities	Entities who act as navigators, supervise the activities of individual navigators, or receive funding to perform navigator duties, seeking license renewal as navigator entities	\$4,750

III. WORKSHEET

LICENSING FEES	Units	Application Fee	Total
Navigator Entity	95	\$50.00	\$4,750
Navigator Individual	800	\$25.00	\$20,000
TOTAL FEES			\$24,750
TOTAL			\$24,750

IV. ASSUMPTIONS

The proposed rule outlines requirements for the renewal of navigator licenses in Missouri. In the proposed rule, the Department establishes fees of \$25 for a two-year individual navigator license, and \$50 for a two-year navigator entity license. The Department also establishes late fees as required by statute. The Department estimates that approximately 800 individuals will apply for license renewal as navigators, and 95 entities will seek license renewal as navigator entities. These estimates are based on current numbers of licensed individual navigators and navigator entities in Missouri. The Department cannot estimate the number of renewal applications that may arrive late.