political subdivisions more than five hundred dollars ($500) in the aggregate.

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by sending the same to: General Counsel, Department of Economic Development, 301 W. High Street, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 12—Hazardous Waste Fees and Taxes

PROPOSED AMENDMENT

10 CSR 25-12.010 Fees and Taxes. The commission proposes to amend the purpose statement and section (1) and authority section of the rule.

PURPOSE: The proposed amendments of this rule relate to the hazardous waste fee structure for hazardous waste generators and permitted hazardous waste treatment, storage, and disposal facilities in Missouri. Sections 260.380.1(10)(d) and 260.475.8, RSMo, give the Missouri Department of Natural Resources the authority to conduct a comprehensive review of the hazardous waste fee structure and to develop proposed changes to the fee structure. These changes were developed by the Hazardous Waste Fee Stakeholder Workgroup.

PURPOSE: This rule identifies fees and taxes assessed generators; transporters; applicants for licenses, certifications, and permits; owners/operators of hazardous waste treatment, storage, resource recovery, and disposal facilities; and persons seeking variances. (Note: The department bills for the Department of Revenue but is not the collector of fees or taxes for Missouri.) This rule is in addition to federal requirements. ***The fees in this rule are based on the authority in sections 260.380.1(10)(d) and 260.475.8, RSMo, to revise the hazardous waste fee structure through the rulemaking process. The fees established in this rule are in effect notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this rule.***

(1) Hazardous Waste Fees Applicable to Generators of Hazardous Waste. **The fees in this section apply notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this section.**

[(A) A generator of hazardous waste shall pay a fee annually in accordance with section 260.380.1(10), RSMo. This fee shall be referred to as the In-State Waste Fee. The fee shall be paid annually, on or before January 1 of each year, at the rate of five dollars ($5) per ton or portion thereof for the hazardous waste reported to the department for the twelve (12)-month period ending June 30 of the previous year. The fee shall not be less than one hundred fifty dollars ($150) and not more than fifty-two thousand dollars ($52,000) annually per generator site. As outlined in section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee.

EXAMPLES OF IN-STATE WASTE FEE CALCULATION

Example 1. ABC Company reports 25 tons of hazardous waste:

$5 × 25 tons = $125 fee

The fee would be $150, because that is the minimum annual fee.

Example 2. ABC Company reports 41.3 tons of hazardous waste. The number of tons would be rounded to 42:

$5 × 42 tons = $210 fee

Example 3. ABC Company reports 11,000 tons of hazardous waste:

$5 × 11,000 tons = $55,000 fee

The fee would be $52,000, because that is the maximum annual fee.]

(A) In-State Waste Fee. A generator of hazardous waste shall pay the In-State Waste Fee annually in accordance with this subsection.

1. The fee shall be paid annually on or before January 1 of each year.

2. The fee shall be based on the waste reported to the department for the twelve- (12-) month period ending June 30 of the previous year.

3. For the purpose of calculating this fee, any portion of a ton shall be assessed as though it were a whole ton.

4. Beginning with the reporting year covering July 1, 2016 to June 30, 2017, the first ton of waste generated each year shall be assessed a fee of two hundred dollars ($200). For all reporting years prior to the July 1, 2016 to June 30, 2017 reporting year, the minimum fee shall be one hundred fifty dollars ($150).

5. Beginning with the reporting year covering July 1, 2016 to June 30, 2017, each additional ton of waste shall be assessed a fee of six dollars and ten cents ($6.10). For all reporting years prior to the July 1, 2016 to June 30, 2017 reporting year, the rate shall be five dollars ($5) per ton.

6. Beginning with the reporting year covering July 1, 2016 to June 30, 2017, no generator site may be assessed a fee in excess of fifty-seven thousand dollars ($57,000) for any given year. For all reporting years prior to the July 1, 2016 to June 30, 2017 reporting year, no generator site may be assessed a fee in excess of fifty-two thousand dollars ($52,000) for any given year.

7. Failure to pay this fee in full by the due date shall result in the imposition of a late fee equal to fifteen percent (15%) of the total original fee.

EXAMPLES OF IN-STATE WASTE FEE CALCULATION (These examples are for the rates that go into effect beginning with the July 1, 2016 to June 30, 2017 reporting year.)

Example 1. ABC Company reports 0.4 tons of hazardous waste. The number of tons would be rounded to 1 ton.

The fee would be $200 because the fee on the 1st ton of waste is $200.

Example 2. ABC Company reports 25 tons of hazardous waste.

$6.10 × 24 tons +$200 for 1st ton= $346.40 fee

Example 3. ABC Company reports 11,001 tons of hazardous waste.

$6.10 × 11,000 tons +$200 for 1st ton= $67,300 fee

The fee would be $57,000, because that is the maximum annual fee.

*[1.]***8.** Hazardous waste that is discharged by a generator to a municipal wastewater treatment plant, which is regulated by a permit issued by the Missouri Clean Water Commission, shall be assessed a fee of zero cents per ton (0¢/ton) of hazardous waste so managed.

(B) *[A generator required to register in accordance with 10 CSR 25-5.262 shall pay a land disposal tax in accordance with section 260.475, RSMo.]* **Land Disposal Fee. A generator required to register in accordance with 10 CSR 25-5.262 shall pay a land disposal fee in accordance with this subsection. Beginning with the reporting year covering July 1, 2016 to June 30, 2017, the fee shall be paid annually, on or before January 1 of each year, at the rate of twenty-nine dollars and fifty cents ($29.50) per ton or portion thereof for the hazardous waste reported to the department for the twelve- (12-) month period ending June 30 of the previous year, having been discharged, deposited, dumped, or placed into or on the soil as a final action. For all reporting years prior to the July 1, 2016 to June 30, 2017 reporting year, the rate shall be twenty-five dollars ($25) per ton. This fee shall not be assessed on generators who land dispose less than ten (10) tons of hazardous waste.**

1. Failure to pay this fee in full by the due date shall result in a fifteen percent (15%) late fee being assessed on the amount owed.

2. When this fee is paid after the prescribed due date, interest shall be assessed on the period from the fee's due date to the date the fee is paid in full at an annual rate of ten percent (10%).

EXAMPLES OF LAND DISPOSAL FEE CALCULATION (These examples are for the rates that go into effect beginning with the July 1, 2016 to June 30, 2017 reporting year.)

Example 1. ABC Company reports land disposing 9.8 tons of hazardous waste. The fee would not be assessed since less than 10 tons of waste was land disposed.

Example 2. ABC Company reports land disposing exactly 10 tons of hazardous waste.

$29.50 x 10 tons = $295 fee

Example 3. ABC Company reports land disposing 124.3 tons of hazardous waste. The number of tons would be rounded to 125.

$29.50 x 125 tons = $3,687.50 fee

(C) A generator required to register in accordance with 10 CSR 25-5.262*[, in accordance with section 260.390.2, RSMo,]* shall pay a landfill tax **of two percent (2%) of the gross charges and fees charged for disposal,** which is collected by the landfill owner/operator when depositing waste at a hazardous waste landfill.

(D) The department will bill those generators whose records on file indicate that they are subject to *[taxes or]* **the** fees in section (1). However, if a generator does not receive a billing, it does not relieve the generator of the responsibility to pay **the** fees *[or taxes]* imposed by this rule.

(E) Registration Fee. A generator required to register in accordance with 10 CSR 25-5.262 shall pay the following registration fees:

1. Prior to October 1, 2016, all new generator registration and registration renewal fees will be one hundred dollars ($100). Beginning October 1, 2016, all new generator registration and registration renewal fees that will cover calendar year 2017 will be assessed at the new rates established in this subsection. The amount of the registration fee will be based upon the generator status of the generator. The fee schedule is as follows:

A. A generator registering as a Large Quantity Generator (LQG) shall pay a registration fee of five hundred dollars ($500);

B. A generator registering as a Small Quantity Generator (SQG) shall pay a registration fee of one hundred fifty dollars ($150); and

C. A generator registering as a Conditionally Exempt Small Quantity Generator (CESQG) shall pay a registration fee of one hundred fifty dollars ($150);

2. A registration fee will be paid with the submittal of the registration form required by 10 CSR 25-5.262 when one (1) of the following is true:

A. The generator is applying for a new ID number (initial registration);

B. The generator is reactivating an existing ID number that had been inactivated;

C. There has been a change in the ownership of the generator (initial registration for the new company); and

D. A SQG or CESQG who changes their generator status to LQG and has already paid the one hundred fifty dollar ($150) registration fee for the year as required by this subsection shall pay three hundred fifty dollars ($350) with the submittal of the required registration form;

3. The following constitutes the procedure for registration renewal:

A. The amount of the registration renewal fee is also based upon the generator status of the generator at the time the invoice is generated and uses the same schedule as the registration fee;

B. The calendar year shall constitute the annual registration period;

C. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;

D. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but shall not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee. For any generator registering between October 1, 2016 and December 31, 2016, the initial registration fee will be assessed at the new rates established in this subsection for the calendar year that begins on January 1, 2017;

E. Any generator required to register who fails to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;

F. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay a fifteen percent (15%) late fee in addition to the required annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;

G. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay a fifteen percent (15%) late fee in addition to the required annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

H. Any person who pays the annual renewal fee with what is found to be an insufficient check shall have the registration immediately revoked; and

4. Large quantity generator registration renewal petition process. A generator may petition to have a single large quantity generator registration renewal fee cover multiple generator sites with different ID numbers as long as at least one (1) generator site is a large quantity generator and the generator can demonstrate to the satisfaction of the department that each of the following conditions has been met:

A. All of the generator sites are owned or leased by the same person, and all are under control of the same person;

B. The generator provides a single point of contact for all generator sites within the group;

C. Each generator site is adjacent to a property that also shares a border with at least one (1) other generator site in the group, or all generator sites are accessible by a common roadway, or all generator sites are within the recognized boundaries of an industrial park, warehouse district, research campus, or academic campus, provided that all generator sites are in close proximity to one another and can be inspected as a single facility;

D. The generator submits a map that shows the location of each generator site covered by the single registration fee;

E. All of the generator sites share a single contingency plan, a single repository for required records, and a unified training plan that covers all of the large quantity and small quantity generator sites; and

F. The generator must submit an updated petition and map any time a generator site is added to or removed from the group and each generator site must have an existing ID number before it can be added to the group.

(F) Out-of-State Waste Fee. All owners/operators of Missouri treatment, storage, or disposal facilities shall pay annually, on or before January 1 of each year, a fee to the department of two dollars ($2) per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve- (12-) month period ending June 30 of the previous year. This fee shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri. Failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee.

EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri.

$2 x 250 tons = $500 fee

Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 411.

$2 x 411 tons = $822 fee

Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 52,150.

$2 x 52,150 tons = $104,300 fee

AUTHORITY: sections 260.370, 260.390, 260.391, and 260.395, RSMo Supp. [2008] ***2013, sections*** *260.380[,]* ***and 260.475, RSMo Supp. 2014,*** *and section[s] 260.437, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed June 15, 2015.*

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions approximately twenty-five thousand eight hundred seventeen dollars ($25,817) annually. The fiscal note for this proposed amendment includes the information relied upon to develop the estimated cost of compliance.

PRIVATE COST: This proposed amendment is estimated to cost private entities approximately four hundred eighty-eight thousand forty-seven dollars ($488,047) in the aggregate. As detailed in the fiscal note, the department assumes that these are annual costs. The fiscal note for this proposed amendment includes the information relied upon to develop this estimated cost of compliance.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on August 20, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on August 27, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on August 27, 2015. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

FISCAL NOTE

PUBLIC ENTITY COST

I. RULE NUMBER

Rule Number and Name	*10 CSR 25-12.010 Hazardous Waste Fees and Taxes*
Type of Rulemaking	*Amendment*

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed 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:
28	*Conditionally Exempt Small Quantity Generators paying the generator registration and renewal fee*	*$1400*
148	*Small Quantity Generators paying the generator registration and renewal fee*	$7400
22	*Large Quantity Generators paying the generator registration and renewal fee*	$8800
109	*Missouri hazardous waste generators paying the in-state waste fee*	$8217
Total Estimated Cost to Public Entities		*$25,817*

III. Worksheet

The purpose of this proposed rulemaking is to amend the hazardous waste fee rule to reflect the following increased fees agreed to by the hazardous waste fee stakeholder workgroup:

- Hazardous waste generator registration and renewal fee - increased from $100 for all generators to $150 for conditionally-exempt and small quantity generators and $500 for large quantity generators

- In-state fee for hazardous waste generated in Missouri – increased from $5 per ton to $6.10 per ton
- Minimum amount for in-state fee – increased from $150 to $200
- Maximum amount for in-state fee – increased from $52,000 to $57,000
- Land disposal fee for hazardous waste land disposed in Missouri – increased from $25 per ton to $29.50 per ton

Based on actual revenues from FY 14, the proposed increases to the generator registration fee, the in-state tonnage fee, and the land disposal fee are estimated to generate additional revenue in the amount of $502,165 annually to the Hazardous Waste Fund. The additional revenue is broken down as follows:

- Generator registration fee: $272,850
- In-State Tonnage fee: $205,042
- Land Disposal Fee: $24,273
- *Total Additional Revenue: $502,165*

Generator Registration Fee Calculations

The total of $272,850 for additional revenue from the changes to the generator registration and renewal fee is taken from information presented to the Hazardous Waste Fee Stakeholder Workgroup. Because the fiscal note requires these costs to be apportioned among private entities, some revisions to this estimate are necessary to account for the fact that some of the generators are private entities and some are public entities.

The spreadsheet prepared by the department to come up with the estimated revenue amount of $272,850 is based on the following number of generators in each category:

Conditionally Exempt Small Quantity Generators	529
Small Quantity Generators	1,530
Large Quantity Generators	454

Based on a query of the department's database of generators, for each category of generators the following percentages of generators are private entities (and the remainder would be public entities and will be counted in the public entity fiscal note for this rule):

94.8% of CESQGs are private entities
90.3% of SQGs are private entities.
95.2% of LQGs are private entities.

Therefore, the numbers of affected generators in each category that are private entities are as follows:

CESQGs	= 529 x 94.8% =	501 CESQGs that are private entities
SQGs	= 1,530 x 90.3% =	1,382 SQGs that are private entites
LQGs	= 454 x 95.2% =	432 LQGs that are private entities

Based on these percentages of generators that are private entities in each category, the number of public entity generators in each category is assumed to be as follows:

CESQGs	529 total generators – 501 private entities =	28 public entity CESQGs
SGQs	1,530 total generators – 1,382 private entities =	148 public entity SQGs
LQGs	454 total generators – 432 private entities =	22 public entity LQGs

Additional cost to comply with generator registration and renewal fee for public entity CESQGs:

28 x $50 (increase in generator registration and renewal fee for CESQGs) = $1,400

Additional cost to comply with generator registration and renewal fee for public entity SQGs:

148 x $50 (increase in generator registration and renewal fee for SQGs) = $7,400

Additional cost to comply with generator registration and renewal fee for public entity LQGs:

22 x $400 (increase in generator registration and renewal fee for LQGs) = $8,800

IV. Assumptions

1. The department assumes that the estimated amount of additional revenue from the generator registration and renewal fee for each category of generators is a reasonable estimate. For the generator registration and renewal fee estimates, the department queried the database to determine the current number of registered generators. Because generators are registering and inactivating their registrations on a daily basis, generator numbers can vary from day to day and from week to week. Because current numbers were used to provide the estimates in this fiscal note, the number of generators in each category and the associated amount of additional revenue expected to be generated from the revised registration and renewal fees on those generators is slightly different from the projections the department used during the Hazardous Waste Fee Stakeholder Workgroup process. The numbers are also slightly different from those used in the workgroup process because to prepare the estimates for the workgroup the department used actual revenues collected from the registration and renewal fee for FY 14. Actual revenues may be slightly different from projected revenues because they do not include fees that are due but are not collected, and also include some revenues that were due in previous years.

2. For the in-state waste fee and land disposal fee, the amount of the fee depends on the amount of the waste generated or disposed of. For purposes of this fiscal note, the department used the same amounts of waste that were used for the estimates presented to the hazardous waste fee stakeholder workgroup

3. For the in-state fee, the department did a query of the generator database to try to determine which generators paying the fee were private entities and which were public entities. Based on that query, the department assumes that the estimated number of private entities in this fiscal note is accurate but there is no guarantee that some of the generators accounted for in this fiscal note are not public entities, and vice versa.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	*10 CSR 25-12.010 Hazardous Waste Fees and Taxes*
Type of Rulemaking	*Amendment*

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed 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:
501	*Conditionally Exempt Small Quantity Generators paying the generator registration and renewal fee*	*$25,050*
1,382	*Small Quantity Generators paying the generator registration and renewal fee*	$69,100
432	*Large Quantity Generators paying the generator registration and renewal fee*	$172,800
1400	*Missouri hazardous waste generators paying the in-state waste fee*	$196,824
25	*Missouri generators paying the land disposal fee*	*$24,273*
Total Estimated Cost to Private Entities		*$488,047*

III. Worksheet

The purpose of this proposed rulemaking is to amend the hazardous waste fee rule to reflect the following increased fees agreed to by the hazardous waste fee stakeholder workgroup:

- Hazardous waste generator registration and renewal fee - increased from $100 for all generators to $150 for conditionally-exempt and small quantity generators and $500 for large quantity generators

- In-state fee for hazardous waste generated in Missouri – increased from $5 per ton to $6.10 per ton

- Minimum amount for in-state fee – increased from $150 to $200

- Maximum amount for in-state fee – increased from $52,000 to $57,000

- Land disposal fee for hazardous waste land disposed in Missouri – increased from $25 per ton to $29.50 per ton

Generator Registration Fee Calculations

Based on actual revenues from FY 14, the proposed increases to the generator registration fee, the in-state tonnage fee, and the land disposal fee are estimated to generate additional revenue in the amount of $502,165 annually to the Hazardous Waste Fund. The additional revenue is broken down as follows:

- Generator registration fee: $272,850
- In-State Tonnage fee: $205,042
- Land Disposal Fee: $24,273

- *Total Additional Revenue: $502,165*

The total of $272,850 for additional revenue from the changes to the generator registration and renewal fee is taken from information presented to the Hazardous Waste Fee Stakeholder Workgroup. Because the fiscal note requires these costs to be apportioned among private entities, some revisions to this estimate are necessary to account for the fact that some of the generators are private entities and some are public entities.

The spreadsheet prepared by the department to come up with the estimated revenue amount of $272,850 is based on the following number of generators in each category:

Conditionally Exempt Small Quantity Generators	529
Small Quantity Generators	1,530
Large Quantity Generators	454

Based on a query of the department's database of generators, for each category of generators the following percentages of generators are private entities (and the remainder would be public entities and will be counted in the public entity fiscal note for this rule):

94.8% of CESQGs are private entities
90.3% of SQGs are private entities.
95.2% of LQGs are private entities.

Therefore, the numbers of affected generators in each category that are private entities are as follows:

CESQGs	= 529 x 94.8% =	501 CESQGs that are private entities
SQGs	= 1,530 x 90.3% =	1,382 SQGs that are private entites
LQGs	= 454 x 95.2% =	432 LQGs that are private entities

Additional cost to comply with generator registration and renewal fee for CESQGs = 501 x $50 (increase in generator registration and renewal fee for CESQGs) = $25,050

Additional cost to comply with generator registration and renewal fee for SQGs = 1,382 x $50 (increase in generator registration and renewal fee for SQGs) = $69,100

Additional cost to comply with generator registration and renewal fee for LQGs = 432 x $400 (increase in generator registration and renewal fee for LQGs) = $172,800

IV. Assumptions

1. The department assumes that the estimated amount of additional revenue from the generator registration and renewal fee for each category of generators is a reasonable estimate. For the generator registration and renewal fee estimates, the department queried the database to determine the current number of registered generators. Because generators are registering and inactivating their registrations on a daily basis, generator numbers can vary from day to day and from week to week. Because current numbers were used to provide the estimates in this fiscal note, the number of generators in each category and the associated amount of additional revenue expected to be generated from the revised registration and renewal fees on those generators is slightly different from the projections the department used during the Hazardous Waste Fee Stakeholder Workgroup process. The numbers are also slightly different from those used in the workgroup process because to prepare the estimates for the workgroup the department used actual revenues collected from the registration and renewal fee for FY 14. Actual revenues may be slightly different from projected revenues because they do not include fees that are due but are not collected, and also include some revenues that were due in previous years.

2. For the in-state waste fee and land disposal fee, the amount of the fee depends on the amount of the waste generated or disposed of. For purposes of this fiscal note, the department used the same amounts of waste that were used for the estimates presented to the hazardous waste fee stakeholder workgroup

3. For the in-state fee, the department did a query of the generator database to try to determine which generators paying the fee were private entities and which were public entities. Based on that query, the department assumes that the estimated number of private entities in this fiscal note is accurate but there is no guarantee that some of the generators accounted for in this fiscal note are not public entities, and vice versa.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 3—Late Fee

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2013, the commission amends a rule as follows:

1 CSR 50-3.010 Late Fee **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2015 (40 MoReg 388-389). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 200—Office of College and Career Readiness

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.514 and 161.092, RSMo Supp. 2014, the State Board of Education withdraws a proposed amendment as follows:

5 CSR 20-200.260 Academic Standards **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 2, 2015 (40 MoReg 225-226). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The State Board of Education received ten (10) comments on the proposed amendment. All comments were against the proposed change, but for different reasons. Eight (8) of the responses requested different wording, and two (2) responses requested no change at all. In addition, a 9-12 social studies work group legislated by House Bill 1490 is currently working on expectations to be completed by October 1, 2015.
RESPONSE: As a result, the State Board of Education is withdrawing this rulemaking.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 600—Office of Early and Extended Learning

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092 and 163.018, RSMo Supp. 2014, the board hereby amends a rule as follows:

5 CSR 20-600.120 Instruction for Prekindergarten **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 2, 2015 (40 MoReg 227). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 700—Office of Data System Management

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092 and 161.096, RSMo Supp. 2014, the board hereby adopts a rule as follows:

5 CSR 20-700.100 Statewide Longitudinal Data System **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2015 (40 MoReg 227). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.