

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718
100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

Offered March 3, 2020.

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4078S,04P

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 36.020, 168.021, 192.2305, 208.151, 210.109, 210.150, 379.122, 620.2005, 620.2010, and 650.005, RSMo, and to enact in lieu thereof fourteen new sections relating to military affairs, with an existing penalty provision and a contingent effective date for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 36.020, 168.021, 192.2305, 208.151, 210.109, 210.150, 379.122, 620.2005, 620.2010, and 650.005, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 9.297, 9.300, 27.115, 36.020, 41.035, 168.021, 192.2305, 208.151, 210.109, 210.150, 379.122, 620.2005, 620.2010, and 650.005, to read as follows:

9.297. The month of November is hereby designated as "Military Family Month" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to honor the daily sacrifices of all military families who support their loved ones serving our country.

9.300. The twenty-second day of each month shall be designated as "Buddy Check 22 Day" in the state of Missouri. Citizens of this state are encouraged to check in on veterans on the twenty-second day of each month and participate in appropriate events and activities that raise awareness of the problem of suicide facing military personnel.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

27.115. The attorney general shall design, implement, and
2 oversee a dedicated program to help members of the Armed Forces and
3 their families find and retain affordable and qualified legal counsel in
4 this state. The program shall be marketed to attorneys and members
5 of the Armed Forces and their families. The program shall publicize
6 coordinated offerings of pro bono legal services available to members
7 of the Armed Forces and their families. The attorney general shall
8 collaborate with the Missouri bar in administering this program and
9 shall utilize existing staff and volunteers and any existing programs in
10 the implementation of this section. Any additional funds needed to
11 administer this program shall be subject to appropriations. The
12 Department of Defense and military facilities located in the state of
13 Missouri are encouraged to promote this program.

36.020. Unless the context clearly requires otherwise, the following terms
2 mean:

- 3 (1) "Agency", "state agency" or "agency of the state", each department,
4 board, commission or office of the state except for offices of the elected officials,
5 the general assembly, the judiciary and academic institutions;
- 6 (2) "Appointing authority", an officer or agency subject to this chapter
7 having power to make appointments;
- 8 (3) "Board", the personnel advisory board as established by section 36.050;
- 9 (4) "Broad classification band", a grouping of positions with similar levels
10 of responsibility or expertise;
- 11 (5) "Class", "class of positions", or "job class", a group of positions subject
12 to this chapter sufficiently alike in duties, authority and responsibilities to justify
13 the same qualifications and the same schedule of pay to all positions in the group;
- 14 (6) "Director", the director of the division of personnel of the office of
15 administration;
- 16 (7) "Disabled veteran", a veteran who has served on active duty in the
17 Armed Forces at any time who receives compensation as a result of a
18 service-connected disability claim allowed by the federal agency responsible for
19 the administration of veteran's affairs, or who receives disability retirement or
20 disability pension benefits from a federal agency as a result of such a disability
21 or a National Guard veteran who was permanently disabled as a result of active
22 service to the state at the call of the governor;
- 23 (8) "Division of service" or "division", a state department or any division

24 or branch of the state, or any agency of the state government, all the positions
25 and employees in which are under the same appointing authority;

26 (9) "Eleemosynary or penal institutions", an institution within state
27 government holding, housing, or caring for inmates, patients, veterans, juveniles,
28 or other individuals entrusted to or assigned to the state where it is anticipated
29 that such individuals will be in residence for longer than one day. Eleemosynary
30 or penal institutions shall not include elementary, secondary, or higher education
31 institutions operated separately or independently from the foregoing institutions;

32 (10) "Eligible", a person whose name is on a register or who has been
33 determined to meet the qualifications for a class or position;

34 (11) "Employee", shall include only those persons employed in excess of
35 thirty-two hours per calendar week, for a duration that could exceed six months,
36 by a state agency and shall not include patients, inmates, or residents in state
37 eleemosynary or penal institutions who work for the state agency operating an
38 eleemosynary or penal institutions;

39 (12) "Examination" or "competitive examination", a means of determining
40 eligibility or fitness for a class or position;

41 (13) "Open competitive examination", a selection process for positions in
42 a particular class, admission to which is not limited to persons employed in
43 positions subject to this chapter pursuant to subsection 1 of section 36.030;

44 (14) "Promotional examination", a selection process for positions in a
45 particular class, admission to which is limited to employees with regular status
46 in positions subject to this chapter pursuant to subsection 1 of section 36.030;

47 (15) "Register of eligibles", a list, which may be restricted by locality, of
48 persons who have been found qualified for appointment to a position subject to
49 this chapter pursuant to subsection 1 of section 36.030;

50 (16) "Regular employee", a person employed in a position described under
51 subdivision (2) of subsection 1 of section 36.030 who has successfully completed
52 a probationary period as provided in section 36.250;

53 (17) "State equal employment opportunity officer", the individual
54 designated by the governor or the commissioner of administration as having
55 responsibility for monitoring the compliance of the state as an employer with
56 applicable equal employment opportunity law and regulation and for leadership
57 in efforts to establish a state workforce which reflects the diversity of Missouri
58 citizens at all levels of employment;

59 (18) "Surviving spouse", the unmarried surviving spouse of a deceased

60 disabled veteran or the unmarried [survivor's] **surviving** spouse of any person
61 who was killed while on active duty in the Armed Forces of the United States or
62 an unmarried surviving spouse of a National Guard veteran who was killed as a
63 result of active service to the state at the call of the governor;

64 (19) "Veteran", any person who is a citizen of this state who has been
65 separated under honorable conditions from the Armed Forces of the United States
66 who served on active duty during peacetime or wartime for at least six
67 consecutive months, unless released early as a result of a service-connected
68 disability or a reduction in force at the convenience of the government, or any
69 member of a reserve or National Guard component who has satisfactorily
70 completed at least six years of service or who was called or ordered to active duty
71 by the President and participated in any campaign or expedition for which a
72 campaign badge or service medal has been authorized.

41.035. 1. **There is hereby created and established as a**
2 **department of state government, the "Department of Military Forces"**
3 **headed by the adjutant general as provided in Article IV of the**
4 **Constitution of Missouri, and this chapter and other chapters. The**
5 **department of military forces shall administer the militia and programs**
6 **of the state relating to military forces.**

7 2. **The office of adjutant general and the state militia are hereby**
8 **transferred to the department of military forces by a type I transfer as**
9 **defined in section 1 of the Omnibus State Reorganization Act of 1974.**

10 3. **Nothing herein shall be construed to interfere with the powers**
11 **and duties of the governor provided in Article IV, Section 6 of the**
12 **Constitution of Missouri or this chapter.**

13 4. **Rules necessary to administer and implement this section may**
14 **be established by the department. Any rule or portion of a rule, as that**
15 **term is defined in section 536.010, that is created under the authority**
16 **delegated in this section shall become effective only if it complies with**
17 **and is subject to all of the provisions of chapter 536 and, if applicable,**
18 **section 536.028. This section and chapter 536 are nonseverable and if**
19 **any of the powers vested with the general assembly pursuant to chapter**
20 **536 to review, to delay the effective date, or to disapprove and annul a**
21 **rule are subsequently held unconstitutional, then the grant of**
22 **rulemaking authority and any rule proposed or adopted after the**
23 **effective date of this act shall be invalid and void.**

168.021. 1. Certificates of license to teach in the public schools of the
2 state shall be granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it:

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state
7 board with advice from the advisory council established by section 168.015 to any
8 individual who presents to the state board a valid doctoral degree from an
9 accredited institution of higher education accredited by a regional accrediting
10 association such as North Central Association. Such certificate shall be limited
11 to the major area of postgraduate study of the holder, shall be issued only after
12 successful completion of the examination required for graduation pursuant to
13 rules adopted by the state board of education, and shall be restricted to those
14 certificates established pursuant to subdivision (2) of subsection 3 of this section;

15 (3) By the state board, which shall issue the professional certificate
16 classification in both the general and specialized areas most closely aligned with
17 the current areas of certification approved by the state board, commensurate with
18 the years of teaching experience of the applicant, and based upon the following
19 criteria:

20 (a) Recommendation of a state-approved baccalaureate-level teacher
21 preparation program;

22 (b) Successful attainment of the Missouri qualifying score on the exit
23 assessment for teachers or administrators designated by the state board of
24 education. Applicants who have not successfully achieved a qualifying score on
25 the designated examinations will be issued a two-year nonrenewable provisional
26 certificate; and

27 (c) Upon completion of a background check as prescribed in section
28 168.133 and possession of a valid teaching certificate in the state from which the
29 applicant's teacher preparation program was completed;

30 (4) By the state board, under rules prescribed by it, on the basis of a
31 relevant bachelor's degree, or higher degree, and a passing score for the
32 designated exit examination, for individuals whose academic degree and
33 professional experience are suitable to provide a basis for instruction solely in the
34 subject matter of banking or financial responsibility, at the discretion of the state
35 board. Such certificate shall be limited to the major area of study of the holder
36 and shall be restricted to those certificates established under subdivision (2) of

37 subsection 3 of this section. Holders of certificates granted under this subdivision
38 shall be exempt from the teacher tenure act under sections 168.102 to 168.130
39 and each school district shall have the decision-making authority on whether to
40 hire the holders of such certificates;

41 (5) By the state board, under rules and regulations prescribed by it, on
42 the basis of certification by the American Board for Certification of Teacher
43 Excellence (ABCTE) and verification of ability to work with children as
44 demonstrated by sixty contact hours in any one of the following areas as validated
45 by the school principal: sixty contact hours in the classroom, of which at least
46 forty-five must be teaching; sixty contact hours as a substitute teacher, with at
47 least thirty consecutive hours in the same classroom; sixty contact hours of
48 teaching in a private school; or sixty contact hours of teaching as a
49 paraprofessional, for an initial four-year ABCTE certificate of license to teach,
50 except that such certificate shall not be granted for the areas of early childhood
51 education, or special education. For certification in the area of elementary
52 education, ninety contact hours in the classroom shall be required, of which at
53 least thirty shall be in an elementary classroom. Upon the completion of the
54 requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an
55 applicant shall be eligible to apply for a career continuous professional certificate
56 under subdivision (3) of subsection 3 of this section:

57 (a) Completion of thirty contact hours of professional development within
58 four years, which may include hours spent in class in an appropriate college
59 curriculum;

60 (b) Validated completion of two years of the mentoring program of the
61 American Board for Certification of Teacher Excellence or a district mentoring
62 program approved by the state board of education;

63 (c) Attainment of a successful performance-based teacher evaluation; and

64 (d) Participation in a beginning teacher assistance program; or

65 (6) By the state board, under rules and regulations prescribed by it, which
66 shall issue an initial visiting scholars certificate at the discretion of the board,
67 based on the following criteria:

68 (a) Verification from the hiring school district that the applicant will be
69 employed as part of a business-education partnership initiative designed to build
70 career pathways systems for students in a grade or grades not lower than the
71 ninth grade for which the applicant's academic degree or professional experience
72 qualifies him or her;

73 (b) Appropriate and relevant bachelor's degree or higher, occupational
74 license, or industry-recognized credential;

75 (c) Completion of the application for a one-year visiting scholars
76 certificate; and

77 (d) Completion of a background check as prescribed under section 168.133.
78 The initial visiting scholars certificate shall certify the holder of such certificate
79 to teach for one year. An applicant shall be eligible to renew an initial visiting
80 scholars certificate a maximum of two times, based upon the completion of the
81 requirements listed under paragraphs (a), (b), and (d) of this subdivision;
82 completion of professional development required by the school district and school;
83 and attainment of a satisfactory performance-based teacher evaluation.

84 2. All valid teaching certificates issued pursuant to law or state board
85 policies and regulations prior to September 1, 1988, shall be exempt from the
86 professional development requirements of this section and shall continue in effect
87 until they expire, are revoked or suspended, as provided by law. When such
88 certificates are required to be renewed, the state board or its designee shall grant
89 to each holder of such a certificate the certificate most nearly equivalent to the
90 one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or
91 continuous professional certificate shall, upon expiration of his or her current
92 certificate, be issued the appropriate level of certificate based upon the
93 classification system established pursuant to subsection 3 of this section.

94 3. (1) Certificates of license to teach in the public schools of the state
95 shall be based upon minimum requirements prescribed by the state board of
96 education which shall include completion of a background check as prescribed in
97 section 168.133. The state board shall provide for the following levels of
98 professional certification: an initial professional certificate and a career
99 continuous professional certificate.

100 (2) The initial professional certificate shall be issued upon completion of
101 requirements established by the state board of education and shall be valid based
102 upon verification of actual teaching within a specified time period established by
103 the state board of education. The state board shall require holders of the
104 four-year initial professional certificate to:

105 (a) Participate in a mentoring program approved and provided by the
106 district for a minimum of two years;

107 (b) Complete thirty contact hours of professional development, which may
108 include hours spent in class in an appropriate college curriculum, or for holders

109 of a certificate under subdivision (4) of subsection 1 of this section, an amount of
110 professional development in proportion to the certificate holder's hours in the
111 classroom, if the certificate holder is employed less than full time; and

112 (c) Participate in a beginning teacher assistance program.

113 (3) (a) The career continuous professional certificate shall be issued upon
114 verification of completion of four years of teaching under the initial professional
115 certificate and upon verification of the completion of the requirements articulated
116 in paragraphs (a), (b), and (c) of subdivision (2) of this subsection or paragraphs
117 (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

118 (b) The career continuous professional certificate shall be continuous
119 based upon verification of actual employment in an educational position as
120 provided for in state board guidelines and completion of fifteen contact hours of
121 professional development per year which may include hours spent in class in an
122 appropriate college curriculum. Should the possessor of a valid career continuous
123 professional certificate fail, in any given year, to meet the fifteen-hour
124 professional development requirement, the possessor may, within two years, make
125 up the missing hours. In order to make up for missing hours, the possessor shall
126 first complete the fifteen-hour requirement for the current year and then may
127 count hours in excess of the current year requirement as make-up hours. Should
128 the possessor fail to make up the missing hours within two years, the certificate
129 shall become inactive. In order to reactivate the certificate, the possessor shall
130 complete twenty-four contact hours of professional development which may
131 include hours spent in the classroom in an appropriate college curriculum within
132 the six months prior to or after reactivating his or her certificate. The
133 requirements of this paragraph shall be monitored and verified by the local school
134 district which employs the holder of the career continuous professional certificate.

135 (c) A holder of a career continuous professional certificate shall be exempt
136 from the professional development contact hour requirements of paragraph (b) of
137 this subdivision if such teacher has a local professional development plan in place
138 within such teacher's school district and meets two of the three following criteria:

139 a. Has ten years of teaching experience as defined by the state board of
140 education;

141 b. Possesses a master's degree; or

142 c. Obtains a rigorous national certification as approved by the state board
143 of education.

144 4. Policies and procedures shall be established by which a teacher who

145 was not retained due to a reduction in force may retain the current level of
146 certification. There shall also be established policies and procedures allowing a
147 teacher who has not been employed in an educational position for three years or
148 more to reactivate his or her last level of certification by completing twenty-four
149 contact hours of professional development which may include hours spent in the
150 classroom in an appropriate college curriculum within the six months prior to or
151 after reactivating his or her certificate.

152 5. The state board shall, upon completion of a background check as
153 prescribed in section 168.133, issue a professional certificate classification in the
154 areas most closely aligned with an applicant's current areas of certification,
155 commensurate with the years of teaching experience of the applicant, to any
156 person who is hired to teach in a public school in this state and who possesses a
157 valid teaching certificate from another state or certification under subdivision (4)
158 of subsection 1 of this section, provided that the certificate holder shall annually
159 complete the state board's requirements for such level of certification, and shall
160 establish policies by which residents of states other than the state of Missouri
161 may be assessed a fee for a certificate of license to teach in the public schools of
162 Missouri. Such fee shall be in an amount sufficient to recover any or all costs
163 associated with the issuing of a certificate of license to teach. The board shall
164 promulgate rules to authorize the issuance of a provisional certificate of license,
165 which shall **be valid for three years and shall** allow the holder to assume
166 classroom duties pending the completion of a criminal background check under
167 section 168.133, for any applicant who:

- 168 (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
169 (2) Relocated from another state within one year of the date of
170 application;
171 (3) Underwent a criminal background check in order to be issued a
172 teaching certificate of license from another state; and
173 (4) Otherwise qualifies under this section.

174 6. The state board may assess to holders of an initial professional
175 certificate a fee, to be deposited into the excellence in education revolving fund
176 established pursuant to section 160.268, for the issuance of the career continuous
177 professional certificate. However, such fee shall not exceed the combined costs
178 of issuance and any criminal background check required as a condition of
179 issuance. Applicants for the initial ABCTE certificate shall be responsible for any
180 fees associated with the program leading to the issuance of the certificate, but

181 nothing in this section shall prohibit a district from developing a policy that
182 permits fee reimbursement.

183 7. Any member of the public school retirement system of Missouri who
184 entered covered employment with ten or more years of educational experience in
185 another state or states and held a certificate issued by another state and
186 subsequently worked in a school district covered by the public school retirement
187 system of Missouri for ten or more years who later became certificated in
188 Missouri shall have that certificate dated back to his or her original date of
189 employment in a Missouri public school.

190 8. **Within thirty days after receiving an application from a spouse**
191 **of an active duty member of the Armed Forces of the United States who**
192 **has been transferred or is scheduled to be transferred to the state of**
193 **Missouri, or who has been transferred or scheduled to be transferred**
194 **to an adjacent state and is or will be domiciled in the state of Missouri,**
195 **or has moved to the state of Missouri on a permanent change-of-station**
196 **basis and has successfully completed the background check described**
197 **under subsection 5 of this section and section 168.133, the state board**
198 **shall issue to such applicant a full certificate of license to teach,**
199 **provided that the applicant has paid all necessary fees and has**
200 **otherwise met all requirements to be issued such a certificate.**

192.2305. 1. There is hereby established within the department of health
2 and senior services the "Office of State Ombudsman for Long-Term Care Facility
3 Residents", for the purpose of helping to assure the adequacy of care received by
4 residents of long-term care facilities **and Missouri veterans' homes, as**
5 **defined in section 42.002,** and to improve the quality of life experienced by
6 them, in accordance with the federal Older Americans Act, 42 U.S.C. Section
7 3001, et seq.

8 2. The office shall be administered by the state ombudsman, who shall
9 devote his or her entire time to the duties of his or her position.

10 3. The office shall establish and implement procedures for receiving,
11 processing, responding to, and resolving complaints made by or on behalf of
12 residents of long-term care facilities **and Missouri veterans' homes** relating
13 to action, inaction, or decisions of providers, or their representatives, of long-term
14 care services, of public agencies or of social service agencies, which may adversely
15 affect the health, safety, welfare or rights of such residents.

16 4. The department shall establish and implement procedures for

17 resolution of complaints. The ombudsman or representatives of the office shall
18 have the authority to:

19 (1) Enter any long-term care facility **or Missouri veterans' homes** and
20 have access to residents of the facility at a reasonable time and in a reasonable
21 manner. The ombudsman shall have access to review resident records, if given
22 permission by the resident or the resident's legal guardian. Residents of the
23 facility shall have the right to request, deny, or terminate visits with an
24 ombudsman;

25 (2) Make the necessary inquiries and review such information and records
26 as the ombudsman or representative of the office deems necessary to accomplish
27 the objective of verifying these complaints.

28 5. The office shall acknowledge complaints, report its findings, make
29 recommendations, gather and disseminate information and other material, and
30 publicize its existence.

31 6. The ombudsman may recommend to the relevant governmental agency
32 changes in the rules and regulations adopted or proposed by such governmental
33 agency which do or may adversely affect the health, safety, welfare, or civil or
34 human rights of any resident in a facility. The office shall analyze and monitor
35 the development and implementation of federal, state and local laws, regulations
36 and policies with respect to long-term care facilities and services **and Missouri**
37 **veterans' homes** in the state and shall recommend to the department changes
38 in such laws, regulations and policies deemed by the office to be appropriate.

39 7. The office shall promote community contact and involvement with
40 residents of facilities through the use of volunteers and volunteer programs
41 directed by the regional ombudsman coordinators.

42 8. The office shall develop and establish by regulation of the department
43 statewide policies and standards for implementing the activities of the
44 ombudsman program, including the qualifications and the training of regional
45 ombudsman coordinators and ombudsman volunteers.

46 9. The office shall develop and propose programs for use, training and
47 coordination of volunteers in conjunction with the regional ombudsman
48 coordinators and may:

49 (1) Establish and conduct recruitment programs for volunteers;

50 (2) Establish and conduct training seminars, meetings and other programs
51 for volunteers; and

52 (3) Supply personnel, written materials and such other reasonable

53 assistance, including publicizing their activities, as may be deemed necessary.

54 10. The regional ombudsman coordinators and ombudsman volunteers
55 shall have the authority to report instances of abuse and neglect to the
56 ombudsman hotline operated by the department.

57 11. If the regional ombudsman coordinator or volunteer finds that a
58 nursing home administrator is not willing to work with the ombudsman program
59 to resolve complaints, the state ombudsman shall be notified. The department
60 shall establish procedures by rule in accordance with chapter 536 for
61 implementation of this subsection.

62 12. The office shall prepare and distribute to each facility written notices
63 which set forth the address and telephone number of the office, a brief
64 explanation of the function of the office, the procedure to follow in filing a
65 complaint and other pertinent information.

66 13. The administrator of each facility shall ensure that such written
67 notice is given to every resident or the resident's guardian upon admission to the
68 facility and to every person already in residence, or to his or her guardian. The
69 administrator shall also post such written notice in a conspicuous, public place
70 in the facility in the number and manner set forth in the regulations adopted by
71 the department.

72 14. The office shall inform residents, their guardians or their families of
73 their rights and entitlements under state and federal laws and rules and
74 regulations by means of the distribution of educational materials and group
75 meetings.

208.151. 1. Medical assistance on behalf of needy persons shall be known
2 as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to
3 comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social
4 Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy
5 persons shall be eligible to receive MO HealthNet benefits to the extent and in
6 the manner hereinafter provided:

7 (1) All participants receiving state supplemental payments for the aged,
8 blind and disabled;

9 (2) All participants receiving aid to families with dependent children
10 benefits, including all persons under nineteen years of age who would be
11 classified as dependent children except for the requirements of subdivision (1) of
12 subsection 1 of section 208.040. Participants eligible under this subdivision who
13 are participating in treatment court, as defined in section 478.001, shall have

14 their eligibility automatically extended sixty days from the time their dependent
15 child is removed from the custody of the participant, subject to approval of the
16 Centers for Medicare and Medicaid Services;

17 (3) All participants receiving blind pension benefits;

18 (4) All persons who would be determined to be eligible for old age
19 assistance benefits, permanent and total disability benefits, or aid to the blind
20 benefits under the eligibility standards in effect December 31, 1973, or less
21 restrictive standards as established by rule of the family support division, who
22 are sixty-five years of age or over and are patients in state institutions for mental
23 diseases or tuberculosis;

24 (5) All persons under the age of twenty-one years who would be eligible
25 for aid to families with dependent children except for the requirements of
26 subdivision (2) of subsection 1 of section 208.040, and who are residing in an
27 intermediate care facility, or receiving active treatment as inpatients in
28 psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as
29 amended;

30 (6) All persons under the age of twenty-one years who would be eligible
31 for aid to families with dependent children benefits except for the requirement of
32 deprivation of parental support as provided for in subdivision (2) of subsection 1
33 of section 208.040;

34 (7) All persons eligible to receive nursing care benefits;

35 (8) All participants receiving family foster home or nonprofit private
36 child-care institution care, subsidized adoption benefits and parental school care
37 wherein state funds are used as partial or full payment for such care;

38 (9) All persons who were participants receiving old age assistance
39 benefits, aid to the permanently and totally disabled, or aid to the blind benefits
40 on December 31, 1973, and who continue to meet the eligibility requirements,
41 except income, for these assistance categories, but who are no longer receiving
42 such benefits because of the implementation of Title XVI of the federal Social
43 Security Act, as amended;

44 (10) Pregnant women who meet the requirements for aid to families with
45 dependent children, except for the existence of a dependent child in the home;

46 (11) Pregnant women who meet the requirements for aid to families with
47 dependent children, except for the existence of a dependent child who is deprived
48 of parental support as provided for in subdivision (2) of subsection 1 of section
49 208.040;

50 (12) Pregnant women or infants under one year of age, or both, whose
51 family income does not exceed an income eligibility standard equal to one
52 hundred eighty-five percent of the federal poverty level as established and
53 amended by the federal Department of Health and Human Services, or its
54 successor agency;

55 (13) Children who have attained one year of age but have not attained six
56 years of age who are eligible for medical assistance under 6401 of P.L. 101-239
57 (Omnibus Budget Reconciliation Act of 1989). The family support division shall
58 use an income eligibility standard equal to one hundred thirty-three percent of
59 the federal poverty level established by the Department of Health and Human
60 Services, or its successor agency;

61 (14) Children who have attained six years of age but have not attained
62 nineteen years of age. For children who have attained six years of age but have
63 not attained nineteen years of age, the family support division shall use an
64 income assessment methodology which provides for eligibility when family income
65 is equal to or less than equal to one hundred percent of the federal poverty level
66 established by the Department of Health and Human Services, or its successor
67 agency. As necessary to provide MO HealthNet coverage under this subdivision,
68 the department of social services may revise the state MO HealthNet plan to
69 extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who
70 have attained six years of age but have not attained nineteen years of age as
71 permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a
72 more liberal income assessment methodology as authorized by paragraph (2) of
73 subsection (r) of 42 U.S.C. Section 1396a;

74 (15) The family support division shall not establish a resource eligibility
75 standard in assessing eligibility for persons under subdivision (12), (13) or (14)
76 of this subsection. The MO HealthNet division shall define the amount and scope
77 of benefits which are available to individuals eligible under each of the
78 subdivisions (12), (13), and (14) of this subsection, in accordance with the
79 requirements of federal law and regulations promulgated thereunder;

80 (16) Notwithstanding any other provisions of law to the contrary,
81 ambulatory prenatal care shall be made available to pregnant women during a
82 period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as
83 amended;

84 (17) A child born to a woman eligible for and receiving MO HealthNet
85 benefits under this section on the date of the child's birth shall be deemed to have

86 applied for MO HealthNet benefits and to have been found eligible for such
87 assistance under such plan on the date of such birth and to remain eligible for
88 such assistance for a period of time determined in accordance with applicable
89 federal and state law and regulations so long as the child is a member of the
90 woman's household and either the woman remains eligible for such assistance or
91 for children born on or after January 1, 1991, the woman would remain eligible
92 for such assistance if she were still pregnant. Upon notification of such child's
93 birth, the family support division shall assign a MO HealthNet eligibility
94 identification number to the child so that claims may be submitted and paid
95 under such child's identification number;

96 (18) Pregnant women and children eligible for MO HealthNet benefits
97 pursuant to subdivision (12), (13) or (14) of this subsection shall not as a
98 condition of eligibility for MO HealthNet benefits be required to apply for aid to
99 families with dependent children. The family support division shall utilize an
100 application for eligibility for such persons which eliminates information
101 requirements other than those necessary to apply for MO HealthNet benefits. The
102 division shall provide such application forms to applicants whose preliminary
103 income information indicates that they are ineligible for aid to families with
104 dependent children. Applicants for MO HealthNet benefits under subdivision
105 (12), (13) or (14) of this subsection shall be informed of the aid to families with
106 dependent children program and that they are entitled to apply for such
107 benefits. Any forms utilized by the family support division for assessing
108 eligibility under this chapter shall be as simple as practicable;

109 (19) Subject to appropriations necessary to recruit and train such staff,
110 the family support division shall provide one or more full-time, permanent
111 eligibility specialists to process applications for MO HealthNet benefits at the site
112 of a health care provider, if the health care provider requests the placement of
113 such eligibility specialists and reimburses the division for the expenses including
114 but not limited to salaries, benefits, travel, training, telephone, supplies, and
115 equipment of such eligibility specialists. The division may provide a health care
116 provider with a part-time or temporary eligibility specialist at the site of a health
117 care provider if the health care provider requests the placement of such an
118 eligibility specialist and reimburses the division for the expenses, including but
119 not limited to the salary, benefits, travel, training, telephone, supplies, and
120 equipment, of such an eligibility specialist. The division may seek to employ such
121 eligibility specialists who are otherwise qualified for such positions and who are

122 current or former welfare participants. The division may consider training such
123 current or former welfare participants as eligibility specialists for this program;

124 (20) Pregnant women who are eligible for, have applied for and have
125 received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this
126 subsection shall continue to be considered eligible for all pregnancy-related and
127 postpartum MO HealthNet benefits provided under section 208.152 until the end
128 of the sixty-day period beginning on the last day of their pregnancy. Pregnant
129 women receiving substance abuse treatment within sixty days of giving birth
130 shall, subject to appropriations and any necessary federal approval, be eligible for
131 MO HealthNet benefits for substance abuse treatment and mental health services
132 for the treatment of substance abuse for no more than twelve additional months,
133 as long as the woman remains adherent with treatment. The department of
134 mental health and the department of social services shall seek any necessary
135 waivers or state plan amendments from the Centers for Medicare and Medicaid
136 Services and shall develop rules relating to treatment plan adherence. No later
137 than fifteen months after receiving any necessary waiver, the department of
138 mental health and the department of social services shall report to the house of
139 representatives budget committee and the senate appropriations committee on the
140 compliance with federal cost neutrality requirements;

141 (21) Case management services for pregnant women and young children
142 at risk shall be a covered service. To the greatest extent possible, and in
143 compliance with federal law and regulations, the department of health and senior
144 services shall provide case management services to pregnant women by contract
145 or agreement with the department of social services through local health
146 departments organized under the provisions of chapter 192 or chapter 205 or a
147 city health department operated under a city charter or a combined city-county
148 health department or other department of health and senior services designees.
149 To the greatest extent possible the department of social services and the
150 department of health and senior services shall mutually coordinate all services
151 for pregnant women and children with the crippled children's program, the
152 prevention of intellectual disability and developmental disability program and the
153 prenatal care program administered by the department of health and senior
154 services. The department of social services shall by regulation establish the
155 methodology for reimbursement for case management services provided by the
156 department of health and senior services. For purposes of this section, the term
157 "case management" shall mean those activities of local public health personnel

158 to identify prospective MO HealthNet-eligible high-risk mothers and enroll them
159 in the state's MO HealthNet program, refer them to local physicians or local
160 health departments who provide prenatal care under physician protocol and who
161 participate in the MO HealthNet program for prenatal care and to ensure that
162 said high-risk mothers receive support from all private and public programs for
163 which they are eligible and shall not include involvement in any MO HealthNet
164 prepaid, case-managed programs;

165 (22) By January 1, 1988, the department of social services and the
166 department of health and senior services shall study all significant aspects of
167 presumptive eligibility for pregnant women and submit a joint report on the
168 subject, including projected costs and the time needed for implementation, to the
169 general assembly. The department of social services, at the direction of the
170 general assembly, may implement presumptive eligibility by regulation
171 promulgated pursuant to chapter 207;

172 (23) All participants who would be eligible for aid to families with
173 dependent children benefits except for the requirements of paragraph (d) of
174 subdivision (1) of section 208.150;

175 (24) (a) All persons who would be determined to be eligible for old age
176 assistance benefits under the eligibility standards in effect December 31, 1973,
177 as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as
178 contained in the MO HealthNet state plan as of January 1, 2005; except that, on
179 or after July 1, 2005, less restrictive income methodologies, as authorized in 42
180 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized
181 by annual appropriation;

182 (b) All persons who would be determined to be eligible for aid to the blind
183 benefits under the eligibility standards in effect December 31, 1973, as authorized
184 by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the
185 MO HealthNet state plan as of January 1, 2005, except that less restrictive
186 income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be
187 used to raise the income limit to one hundred percent of the federal poverty level;

188 (c) All persons who would be determined to be eligible for permanent and
189 total disability benefits under the eligibility standards in effect December 31,
190 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive
191 methodologies as contained in the MO HealthNet state plan as of January 1,
192 2005; except that, on or after July 1, 2005, less restrictive income methodologies,
193 as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income

194 limit if authorized by annual appropriations. Eligibility standards for permanent
195 and total disability benefits shall not be limited by age;

196 (25) Persons who have been diagnosed with breast or cervical cancer and
197 who are eligible for coverage pursuant to 42 U.S.C. Section
198 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of
199 presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

200 (26) Persons who are in foster care under the responsibility of the state
201 of Missouri on the date such persons attained the age of eighteen years, or at any
202 time during the thirty-day period preceding their eighteenth birthday, or persons
203 who received foster care for at least six months in another state, are residing in
204 Missouri, and are at least eighteen years of age, without regard to income or
205 assets, if such persons:

206 (a) Are under twenty-six years of age;

207 (b) Are not eligible for coverage under another mandatory coverage group;

208 and

209 (c) Were covered by Medicaid while they were in foster care.

210 2. Rules and regulations to implement this section shall be promulgated
211 in accordance with chapter 536. Any rule or portion of a rule, as that term is
212 defined in section 536.010, that is created under the authority delegated in this
213 section shall become effective only if it complies with and is subject to all of the
214 provisions of chapter 536 and, if applicable, section 536.028. This section and
215 chapter 536 are nonseverable and if any of the powers vested with the general
216 assembly pursuant to chapter 536 to review, to delay the effective date or to
217 disapprove and annul a rule are subsequently held unconstitutional, then the
218 grant of rulemaking authority and any rule proposed or adopted after August 28,
219 2002, shall be invalid and void.

220 3. After December 31, 1973, and before April 1, 1990, any family eligible
221 for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least
222 three of the last six months immediately preceding the month in which such
223 family became ineligible for such assistance because of increased income from
224 employment shall, while a member of such family is employed, remain eligible for
225 MO HealthNet benefits for four calendar months following the month in which
226 such family would otherwise be determined to be ineligible for such assistance
227 because of income and resource limitation. After April 1, 1990, any family
228 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least
229 three of the six months immediately preceding the month in which such family

230 becomes ineligible for such aid, because of hours of employment or income from
231 employment of the caretaker relative, shall remain eligible for MO HealthNet
232 benefits for six calendar months following the month of such ineligibility as long
233 as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each
234 family which has received such medical assistance during the entire six-month
235 period described in this section and which meets reporting requirements and
236 income tests established by the division and continues to include a child as
237 provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits
238 without fee for an additional six months. The MO HealthNet division may
239 provide by rule and as authorized by annual appropriation the scope of MO
240 HealthNet coverage to be granted to such families.

241 4. When any individual has been determined to be eligible for MO
242 HealthNet benefits, such medical assistance will be made available to him or her
243 for care and services furnished in or after the third month before the month in
244 which he made application for such assistance if such individual was, or upon
245 application would have been, eligible for such assistance at the time such care
246 and services were furnished; provided, further, that such medical expenses
247 remain unpaid.

248 5. The department of social services may apply to the federal Department
249 of Health and Human Services for a MO HealthNet waiver amendment to the
250 Section 1115 demonstration waiver or for any additional MO HealthNet waivers
251 necessary not to exceed one million dollars in additional costs to the state, unless
252 subject to appropriation or directed by statute, but in no event shall such waiver
253 applications or amendments seek to waive the services of a rural health clinic or
254 a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and
255 (2) or the payment requirements for such clinics and centers as provided in 42
256 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is
257 approved by the oversight committee created in section 208.955. A request for
258 such a waiver so submitted shall only become effective by executive order not
259 sooner than ninety days after the final adjournment of the session of the general
260 assembly to which it is submitted, unless it is disapproved within sixty days of
261 its submission to a regular session by a senate or house resolution adopted by a
262 majority vote of the respective elected members thereof, unless the request for
263 such a waiver is made subject to appropriation or directed by statute.

264 6. Notwithstanding any other provision of law to the contrary, in any
265 given fiscal year, any persons made eligible for MO HealthNet benefits under

subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section [1396a(a)(10)(A)(I)] **1396(a)(10)(A)(i).**

7. (1) Notwithstanding any provision of law to the contrary, a member of the Armed Forces, or an immediate family member residing with such member, who is a resident of this state and is eligible for MO HealthNet developmental disability services, shall have his or her eligibility for MO HealthNet developmental disability services temporarily suspended for any period of time during which such person temporarily resides outside of this state for reasons relating to military service, but shall have his or her eligibility immediately restored upon returning to this state to reside.

(2) Notwithstanding any provision of law to the contrary and to the extent permissible under federal law, if a member of the Armed Forces, or an immediate family member residing with such member, is not a resident of this state, but would otherwise be eligible for MO HealthNet developmental disability services, such individual shall be deemed eligible for MO HealthNet developmental disability services for the duration of any time in which such individual is temporarily present in this state for reasons relating to military service.

210.109. 1. The children's division shall establish a child protection system for the entire state.

2. The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services in response to reports of child abuse or neglect. The system shall coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In addition to any duties specified in section 210.145, in implementing the child protection system, the division shall:

(1) Maintain a central registry;

(2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports;

(3) Attempt to obtain the name and address of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or

16 neglect, although reports may be made anonymously; except that, reports by
17 mandatory reporters under section 210.115, including employees of the children's
18 division, juvenile officers, and school personnel shall not be made anonymously,
19 provided that the reporter shall be informed, at the time of the report, that the
20 reporter's name and any other personally identifiable information shall be held
21 as confidential and shall not be made public as provided under this section and
22 section 211.319;

23 (4) Upon receipt of a report, check with the information system to
24 determine whether previous reports have been made regarding actual or
25 suspected abuse or neglect of the subject child, of any siblings, and the
26 perpetrator, and relevant dispositional information regarding such previous
27 reports;

28 (5) Provide protective or preventive services to the family and child and
29 to others in the home to prevent abuse or neglect, to safeguard their health and
30 welfare, and to help preserve and stabilize the family whenever possible. The
31 juvenile court shall cooperate with the division in providing such services;

32 (6) Collaborate with the community to identify comprehensive local
33 services and assure access to those services for children and families where there
34 is risk of abuse or neglect;

35 (7) Maintain a record which contains the facts ascertained which support
36 the determination as well as the facts that do not support the determination;

37 (8) Whenever available and appropriate, contract for the provision of
38 children's services through children's services providers and agencies in the
39 community; except that the state shall be the sole provider of child abuse and
40 neglect hotline services, the initial child abuse and neglect investigation, and the
41 initial family assessment. The division shall attempt to seek input from child
42 welfare service providers in completing the initial family assessment. In all legal
43 proceedings involving children in the custody of the division, the division shall
44 be represented in court by either division personnel or persons with whom the
45 division contracts with for such legal representation. All children's services
46 providers and agencies shall be subject to criminal background checks pursuant
47 to chapter 43 and shall submit names of all employees to the family care safety
48 registry; and

49 (9) Upon receipt of a report, attempt to ascertain whether the
50 suspected perpetrator or any person responsible for the care, custody,
51 and control of the subject child is a member of the Armed Forces, as

52 **defined in section 41.030.**

53 As used in this subsection, "report" includes any telephone call made pursuant
54 to section 210.145.

210.150. 1. The children's division shall ensure the confidentiality of all
2 reports and records made pursuant to sections 210.109 to 210.183 and maintained
3 by the division, its local offices, the central registry, and other appropriate
4 persons, officials, and institutions pursuant to sections 210.109 to 210.183. To
5 protect the rights of the family and the child named in the report as a victim, the
6 children's division shall establish guidelines which will ensure that any disclosure
7 of information concerning the abuse and neglect involving that child is made only
8 to persons or agencies that have a right to such information. The division may
9 require persons to make written requests for access to records maintained by the
10 division. The division shall only release information to persons who have a right
11 to such information. The division shall notify persons receiving information
12 pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the
13 purpose for which the information is released and of the penalties for
14 unauthorized dissemination of information. Such information shall be used only
15 for the purpose for which the information is released.

16 2. Only the following persons shall have access to investigation records
17 contained in the central registry:

18 (1) Appropriate federal, state or local criminal justice agency personnel,
19 or any agent of such entity, with a need for such information under the law to
20 protect children from abuse or neglect;

21 (2) A physician or a designated agent who reasonably believes that the
22 child being examined may be abused or neglected;

23 (3) Appropriate staff of the division and of its local offices, including
24 interdisciplinary teams which are formed to assist the division in investigation,
25 evaluation and treatment of child abuse and neglect cases or a multidisciplinary
26 provider of professional treatment services for a child referred to the provider;

27 (4) Any child named in the report as a victim, or a legal representative,
28 or the parent, if not the alleged perpetrator, or guardian of such person when
29 such person is a minor, or is mentally ill or otherwise incompetent, but the names
30 of reporters shall not be furnished to persons in this category. Prior to the
31 release of any identifying information, the division shall determine if the release
32 of such identifying information may place a person's life or safety in danger. If
33 the division makes the determination that a person's life or safety may be in

34 danger, the identifying information shall not be released. The division shall
35 provide a method for confirming or certifying that a designee is acting on behalf
36 of a subject;

37 (5) Any alleged perpetrator named in the report, but the names of
38 reporters shall not be furnished to persons in this category. Prior to the release
39 of any identifying information, the division shall determine if the release of such
40 identifying information may place a person's life or safety in danger. If the
41 division makes the determination that a person's life or safety may be in danger,
42 the identifying information shall not be released. However, the investigation
43 reports will not be released to any alleged perpetrator with pending criminal
44 charges arising out of the facts and circumstances named in the investigation
45 records until an indictment is returned or an information filed;

46 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement
47 officer involved in the investigation of child abuse or neglect, juvenile court or
48 other court conducting abuse or neglect or child protective proceedings or child
49 custody proceedings, and other federal, state and local government entities, or
50 any agent of such entity, with a need for such information in order to carry out
51 its responsibilities under the law to protect children from abuse or neglect;

52 (7) Any person engaged in a bona fide research purpose, with the
53 permission of the director; provided, however, that no information identifying the
54 child named in the report as a victim or the reporters shall be made available to
55 the researcher, unless the identifying information is essential to the research or
56 evaluation and the child named in the report as a victim or, if the child is less
57 than eighteen years of age, through the child's parent, or guardian provides
58 written permission;

59 (8) Any child-care facility; child-placing agency; residential-care facility,
60 including group homes; juvenile courts; public or private elementary schools;
61 public or private secondary schools; or any other public or private agency
62 exercising temporary supervision over a child or providing or having care or
63 custody of a child who may request an examination of the central registry from
64 the division for all employees and volunteers or prospective employees and
65 volunteers, who do or will provide services or care to children. Any agency or
66 business recognized by the division or business which provides training and
67 places or recommends people for employment or for volunteers in positions where
68 they will provide services or care to children may request the division to provide
69 an examination of the central registry. Such agency or business shall provide

70 verification of its status as a recognized agency. Requests for examinations shall
71 be made to the division director or the director's designee in writing by the chief
72 administrative officer of the above homes, centers, public and private elementary
73 schools, public and private secondary schools, agencies, or courts. The division
74 shall respond in writing to that officer. The response shall include information
75 pertaining to the nature and disposition of any report or reports of abuse or
76 neglect revealed by the examination of the central registry. This response shall
77 not include any identifying information regarding any person other than the
78 alleged perpetrator of the abuse or neglect;

79 (9) Any parent or legal guardian who inquires about a child abuse or
80 neglect report involving a specific person or child-care facility who does or may
81 provide services or care to a child of the person requesting the
82 information. Request for examinations shall be made to the division director or
83 the director's designee, in writing, by the parent or legal guardian of the child
84 and shall be accompanied with a signed and notarized release form from the
85 person who does or may provide care or services to the child. The notarized
86 release form shall include the full name, date of birth and Social Security number
87 of the person who does or may provide care or services to a child. The response
88 shall include information pertaining to the nature and disposition of any report
89 or reports of abuse or neglect revealed by the examination of the central
90 registry. This response shall not include any identifying information regarding
91 any person other than the alleged perpetrator of the abuse or neglect. The
92 response shall be given within ten working days of the time it was received by the
93 division;

94 (10) Any person who inquires about a child abuse or neglect report
95 involving a specific child-care facility, child-placing agency, residential-care
96 facility, public and private elementary schools, public and private secondary
97 schools, juvenile court or other state agency. The information available to these
98 persons is limited to the nature and disposition of any report contained in the
99 central registry and shall not include any identifying information pertaining to
100 any person mentioned in the report;

101 (11) Any state agency acting pursuant to statutes regarding a license of
102 any person, institution, or agency which provides care for or services to children;

103 (12) Any child fatality review panel established pursuant to section
104 210.192 or any state child fatality review panel established pursuant to section
105 210.195;

106 (13) Any person who is a tenure-track or full-time research faculty
107 member at an accredited institution of higher education engaged in scholarly
108 research, with the permission of the director. Prior to the release of any
109 identifying information, the director shall require the researcher to present a plan
110 for maintaining the confidentiality of the identifying information. The researcher
111 shall be prohibited from releasing the identifying information of individual cases;
112 **and**

113 **(14) Appropriate staff of the United States Department of**
114 **Defense including, but not limited to, authorized family advocacy**
115 **program staff or any other staff authorized to receive and respond to**
116 **reports requested under 10 U.S.C. Section 1787, in cases where a report**
117 **has been made and the suspected perpetrator or any person responsible**
118 **for the care, custody, and control of the subject child is a member of**
119 **the Armed Forces, as defined in section 41.030.**

120 3. Only the following persons shall have access to records maintained by
121 the division pursuant to section 210.152 for which the division has received a
122 report of child abuse and neglect and which the division has determined that
123 there is insufficient evidence or in which the division proceeded with the family
124 assessment and services approach:

125 (1) Appropriate staff of the division;

126 (2) Any child named in the report as a victim, or a legal representative,
127 or the parent or guardian of such person when such person is a minor, or is
128 mentally ill or otherwise incompetent. The names or other identifying
129 information of reporters shall not be furnished to persons in this category. Prior
130 to the release of any identifying information, the division shall determine if the
131 release of such identifying information may place a person's life or safety in
132 danger. If the division makes the determination that a person's life or safety may
133 be in danger, the identifying information shall not be released. The division shall
134 provide for a method for confirming or certifying that a designee is acting on
135 behalf of a subject;

136 (3) Any alleged perpetrator named in the report, but the names of
137 reporters shall not be furnished to persons in this category. Prior to the release
138 of any identifying information, the division shall determine if the release of such
139 identifying information may place a person's life or safety in danger. If the
140 division makes the determination that a person's life or safety may be in danger,
141 the identifying information shall not be released. However, the investigation

142 reports will not be released to any alleged perpetrator with pending criminal
143 charges arising out of the facts and circumstances named in the investigation
144 records until an indictment is returned or an information filed;

145 (4) Any child fatality review panel established pursuant to section 210.192
146 or any state child fatality review panel established pursuant to section 210.195;

147 (5) Appropriate criminal justice agency personnel or juvenile officer;

148 (6) Multidisciplinary agency or individual including a physician or
149 physician's designee who is providing services to the child or family, with the
150 consent of the parent or guardian of the child or legal representative of the child;

151 (7) Any person engaged in bona fide research purpose, with the
152 permission of the director; provided, however, that no information identifying the
153 subjects of the reports or the reporters shall be made available to the researcher,
154 unless the identifying information is essential to the research or evaluation and
155 the subject, or if a child, through the child's parent or guardian, provides written
156 permission; **and**

157 (8) **Appropriate staff of the United States Department of Defense**
158 **including, but not limited to, authorized family advocacy program staff**
159 **or any other staff authorized to receive and respond to reports**
160 **requested under 10 U.S.C. Section 1787, in cases where a report has**
161 **been made and the suspected perpetrator or any person responsible for**
162 **the care, custody, and control of the subject child is a member of the**
163 **Armed Forces, as defined in section 41.030.**

164 4. Any person who knowingly violates the provisions of this section, or
165 who permits or encourages the unauthorized dissemination of information
166 contained in the information system or the central registry and in reports and
167 records made pursuant to sections 210.109 to 210.183, shall be guilty of a class
168 A misdemeanor.

169 5. Nothing in this section shall preclude the release of findings or
170 information about cases which resulted in a child fatality or near fatality. Such
171 release is at the sole discretion of the director of the department of social services,
172 based upon a review of the potential harm to other children within the immediate
173 family.

174 6. **Notwithstanding any provisions of this section or chapter to**
175 **the contrary, if the division receives a report and ascertains that a**
176 **suspected perpetrator or any person responsible for the care, custody,**
177 **and control of the subject child is a member of the Armed Forces, as**

178 **defined in section 41.030, the division shall report its findings to the**
179 **most relevant family advocacy program authorized by the United States**
180 **Department of Defense or any other relevant person authorized by the**
181 **United States Department of Defense to receive reports under 10 U.S.C.**
182 **Section 1787.**

379.122. 1. No insurer shall refuse to write a policy for an applicant or
2 base an adverse underwriting decision, **including but not limited to charging**
3 **an increased premium,** solely on the fact that the applicant has never
4 purchased such a policy of motor vehicle insurance where the lack of motor
5 vehicle insurance coverage is due to the applicant serving in the armed services
6 and the applicant has not operated a motor vehicle in violation of any financial
7 responsibility or compulsory insurance requirement within the past twelve
8 months.

9 2. No insurer shall refuse to write a policy for an applicant or base an
10 adverse underwriting decision, **including but not limited to charging an**
11 **increased premium,** solely on the fact that the applicant has not owned or been
12 covered by such a policy of motor vehicle insurance during any specified period
13 immediately preceding the date of application where the lack of motor vehicle
14 insurance coverage is due to the applicant serving in the armed services and the
15 applicant has not operated a motor vehicle in violation of any financial
16 responsibility or compulsory insurance requirement within the past twelve
17 months. Nothing in this subsection shall prohibit an insurer from giving a
18 discount for such an applicant that has been covered by a policy of insurance
19 during such a specified period.

20 3. Nothing in this section shall prohibit an insurer from basing an adverse
21 underwriting decision on an applicant's previous driving record where such record
22 indicates that the applicant is a substandard risk.

23 4. In order to establish compliance with this section, an insurer may
24 require any applicant claiming to meet the criteria of subsection 1 or 2 of this
25 section to provide proof of eligibility in a manner as the insurer may prescribe.

26 5. **The adjutant general shall ensure that members of the state**
27 **military forces, as defined in section 40.005, receive notice of the**
28 **protections provided under this section at such time as information**
29 **regarding the Servicemembers Civil Relief Act, 50 U.S.C. 3901, et seq.,**
30 **is provided, or at such other times as the adjutant general deems**
31 **appropriate. The notice shall specifically state that insurers are**

32 **prohibited under this section from refusing to issue a policy of motor**
33 **vehicle insurance, or from charging higher premiums, based solely on**
34 **a lack of prior coverage where the lack of prior coverage was due to**
35 **military service. The secretaries of the branches of the United States**
36 **Armed Forces are hereby encouraged to likewise notify servicemembers**
37 **under their jurisdictions of the protections provided under this section.**

620.2005. 1. As used in sections 620.2000 to 620.2010, the following
2 terms mean:

3 (1) "Average wage", the new payroll divided by the number of new jobs,
4 or the payroll of the retained jobs divided by the number of retained jobs;

5 (2) "Commencement of operations", the starting date for the qualified
6 company's first new employee, which shall be no later than twelve months from
7 the date of the approval;

8 (3) "Contractor", a person, employer, or business entity that enters into
9 an agreement to perform any service or work or to provide a certain product in
10 exchange for valuable consideration. This definition shall include but not be
11 limited to a general contractor, subcontractor, independent contractor, contract
12 employee, project manager, or a recruiting or staffing entity;

13 (4) "County average wage", the average wages in each county as
14 determined by the department for the most recently completed full calendar
15 year. However, if the computed county average wage is above the statewide
16 average wage, the statewide average wage shall be deemed the county average
17 wage for such county for the purpose of determining eligibility. The department
18 shall publish the county average wage for each county at least
19 annually. Notwithstanding the provisions of this subdivision to the contrary, for
20 any qualified company that in conjunction with their project is relocating
21 employees from a Missouri county with a higher county average wage, the
22 company shall obtain the endorsement of the governing body of the community
23 from which jobs are being relocated or the county average wage for their project
24 shall be the county average wage for the county from which the employees are
25 being relocated;

26 (5) "Department", the Missouri department of economic development;

27 (6) "Director", the director of the department of economic development;

28 (7) "Employee", a person employed by a qualified company, excluding:

29 (a) Owners of the qualified company unless the qualified company is
30 participating in an employee stock ownership plan; or

31 (b) Owners of a noncontrolling interest in stock of a qualified company
32 that is publicly traded;

33 (8) "Existing Missouri business", a qualified company that, for the
34 ten-year period preceding submission of a notice of intent to the department, had
35 a physical location in Missouri and full-time employees who routinely performed
36 job duties within Missouri;

37 (9) "Full-time employee", an employee of the qualified company that is
38 scheduled to work an average of at least thirty-five hours per week for a
39 twelve-month period, and one for which the qualified company offers health
40 insurance and pays at least fifty percent of such insurance premiums. An
41 employee that spends less than fifty percent of the employee's work time at the
42 facility shall be considered to be located at a facility if the employee receives his
43 or her directions and control from that facility, is on the facility's payroll, one
44 hundred percent of the employee's income from such employment is Missouri
45 income, and the employee is paid at or above the applicable percentage of the
46 county average wage;

47 (10) "Industrial development authority", an industrial development
48 authority organized under chapter 349 that has entered into a formal written
49 memorandum of understanding with an entity of the United States Department
50 of Defense regarding a qualified military project;

51 (11) "Infrastructure projects", highways, roads, streets, bridges, sewers,
52 traffic control systems and devices, water distribution and supply systems,
53 curbing, sidewalks, storm water and drainage systems, broadband internet
54 infrastructure, and any other similar public improvements, but in no case shall
55 infrastructure projects include private structures;

56 (12) "Local incentives", the present value of the dollar amount of direct
57 benefit received by a qualified company for a project facility from one or more
58 local political subdivisions, but this term shall not include loans or other funds
59 provided to the qualified company that shall be repaid by the qualified company
60 to the political subdivision;

61 (13) "Manufacturing capital investment", expenditures made by a
62 qualified manufacturing company to retool or reconfigure a manufacturing project
63 facility directly related to the manufacturing of a new product or the expansion
64 or modification of the manufacture of an existing product;

65 (14) "Memorandum of understanding", an agreement executed by an
66 industrial development authority and an entity of the United States Department

67 of Defense, a copy of which is provided to the department of economic
68 development, that states, but is not limited to:

69 (a) A requirement for the military to provide the total number of existing
70 jobs, jobs directly created by a qualified military project, and average salaries of
71 such jobs to the industrial development authority and the department of economic
72 development annually for the term of the benefit;

73 (b) A requirement for the military to provide an accounting of the
74 expenditures of capital investment made by the military directly related to the
75 qualified military project to the industrial development authority and the
76 department of economic development annually for the term of the benefit;

77 (c) The process by which the industrial development authority shall
78 monetize the tax credits annually and any transaction cost or administrative fee
79 charged by the industrial development authority to the military on an annual
80 basis;

81 (d) A requirement for the industrial development authority to provide
82 proof to the department of economic development of the payment made to the
83 qualified military project annually, including the amount of such payment;

84 (e) The schedule of the maximum amount of tax credits which may be
85 authorized in each year for the project and the specified term of the benefit, as
86 provided by the department of economic development; and

87 (f) A requirement that the annual benefit paid shall be the lesser of:

88 a. The maximum amount of tax credits authorized; or

89 b. The actual calculated benefit derived from the number of new jobs and
90 average salaries;

91 (15) "NAICS" or "NAICS industry classification", the classification
92 provided by the most recent edition of the North American Industry Classification
93 System as prepared by the Executive Office of the President, Office of
94 Management and Budget;

95 (16) "New capital investment", shall include costs incurred by the
96 qualified company at the project facility after acceptance by the qualified
97 company of the proposal for benefits from the department or the approval notice
98 of intent, whichever occurs first, for real or personal property, and may include
99 the value of finance or capital leases for real or personal property for the term of
100 such lease at the project facility executed after acceptance by the qualified
101 company of the proposal for benefits from the department or the approval of the
102 notice of intent;

103 (17) "New direct local revenue", the present value of the dollar amount of
104 direct net new tax revenues of the local political subdivisions likely to be
105 produced by the project over a ten-year period as calculated by the department,
106 excluding local earnings tax, and net new utility revenues, provided the local
107 incentives include a discount or other direct incentives from utilities owned or
108 operated by the political subdivision;

109 (18) "New job", the number of full-time employees located at the project
110 facility that exceeds the project facility base employment less any decrease in the
111 number of full-time employees at related facilities below the related facility base
112 employment. No job that was created prior to the date of the notice of intent
113 shall be deemed a new job;

114 (19) "New payroll", the amount of wages paid for all new jobs, located at
115 the project facility during the qualified company's tax year that exceeds the
116 project facility base payroll;

117 (20) "New product", a new model or line of a manufactured good that has
118 not been manufactured in Missouri by a qualified manufacturing company at any
119 time prior to the date of the notice of intent, or an existing brand, model, or line
120 of a manufactured good that is redesigned;

121 (21) "Notice of intent", a form developed by the department and available
122 online, completed by the qualified company, and submitted to the department
123 stating the qualified company's intent to request benefits under this
124 program. The notice of intent shall be accompanied with a detailed plan by the
125 qualifying company to make good faith efforts to employ, at a minimum,
126 commensurate with the percentage of minority populations in the state of
127 Missouri, as reported in the previous decennial census, the following: racial
128 minorities, contractors who are racial minorities, and contractors that, in turn,
129 employ at a minimum racial minorities commensurate with the percentage of
130 minority populations in the state of Missouri, as reported in the previous
131 decennial census. At a minimum, such plan shall include monitoring the
132 effectiveness of outreach and recruitment strategies in attracting diverse
133 applicants and linking with different or additional referral sources in the event
134 that recruitment efforts fail to produce a diverse pipeline of applicants;

135 (22) "Percent of local incentives", the amount of local incentives divided
136 by the amount of new direct local revenue;

137 (23) "Program", the Missouri works program established in sections
138 620.2000 to 620.2020;

139 (24) "Project facility", the building or buildings used by a qualified
140 company at which new or retained jobs and any new capital investment are or
141 will be located or by a qualified manufacturing company at which a
142 manufacturing capital investment is or will be located. A project facility may
143 include separate buildings located within sixty miles of each other such that their
144 purpose and operations are interrelated; provided that where the buildings
145 making up the project facility are not located within the same county, the average
146 wage of the new payroll shall exceed the applicable percentage of the highest
147 county average wage among the counties in which the buildings are
148 located. Upon approval by the department, a subsequent project facility may be
149 designated if the qualified company demonstrates a need to relocate to the
150 subsequent project facility at any time during the project period. For qualified
151 military projects, the term "project facility" means the military base or
152 installation at which such qualified military project is or shall be located;

153 (25) "Project facility base employment", the greater of the number of
154 full-time employees located at the project facility on the date of the notice of
155 intent or, for the twelve-month period prior to the date of the notice of intent, the
156 average number of full-time employees located at the project facility. In the event
157 the project facility has not been in operation for a full twelve-month period, the
158 average number of full-time employees for the number of months the project
159 facility has been in operation prior to the date of the notice of intent;

160 (26) "Project facility base payroll", the annualized payroll for the project
161 facility base employment or the total amount of taxable wages paid by the
162 qualified company to full-time employees of the qualified company located at the
163 project facility in the twelve months prior to the notice of intent. For purposes
164 of calculating the benefits under this program, the amount of base payroll shall
165 increase each year based on an appropriate measure, as determined by the
166 department;

167 (27) "Project period", the time period within which benefits are awarded
168 to a qualified company or within which the qualified company is obligated to
169 perform under an agreement with the department, whichever is greater;

170 (28) "Projected net fiscal benefit", the total fiscal benefit to the state less
171 any state benefits offered to the qualified company, as determined by the
172 department;

173 (29) "Qualified company", a firm, partnership, joint venture, association,
174 private or public corporation whether organized for profit or not, or headquarters

175 of such entity registered to do business in Missouri that is the owner or operator
176 of a project facility, certifies that it offers health insurance to all full-time
177 employees of all facilities located in this state, and certifies that it pays at least
178 fifty percent of such insurance premiums. For the purposes of sections 620.2000
179 to 620.2020, the term "qualified company" shall not include:

180 (a) Gambling establishments (NAICS industry group 7132);

181 (b) Store front consumer-based retail trade establishments (under NAICS
182 sectors 44 and 45), except with respect to any company headquartered in this
183 state with a majority of its full-time employees engaged in operations not within
184 the NAICS codes specified in this subdivision;

185 (c) Food and drinking places (NAICS subsector 722);

186 (d) Public utilities (NAICS 221 including water and sewer services);

187 (e) Any company that is delinquent in the payment of any nonprotested
188 taxes or any other amounts due the state or federal government or any other
189 political subdivision of this state;

190 (f) Any company requesting benefits for retained jobs that has filed for or
191 has publicly announced its intention to file for bankruptcy protection. However,
192 a company that has filed for or has publicly announced its intention to file for
193 bankruptcy may be a qualified company provided that such company:

194 a. Certifies to the department that it plans to reorganize and not to
195 liquidate; and

196 b. After its bankruptcy petition has been filed, it produces proof, in a form
197 and at times satisfactory to the department, that it is not delinquent in filing any
198 tax returns or making any payment due to the state of Missouri, including but
199 not limited to all tax payments due after the filing of the bankruptcy petition and
200 under the terms of the plan of reorganization. Any taxpayer who is awarded
201 benefits under this subsection and who files for bankruptcy under Chapter 7 of
202 the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the
203 department and shall forfeit such benefits and shall repay the state an amount
204 equal to any state tax credits already redeemed and any withholding taxes
205 already retained;

206 (g) Educational services (NAICS sector 61);

207 (h) Religious organizations (NAICS industry group 8131);

208 (i) Public administration (NAICS sector 92);

209 (j) Ethanol distillation or production;

210 (k) Biodiesel production; or

211 (l) Health care and social services (NAICS sector 62).

212 Notwithstanding any provision of this section to the contrary, the headquarters,
213 administrative offices, or research and development facilities of an otherwise
214 excluded business may qualify for benefits if the offices or facilities serve a
215 multistate territory. In the event a national, state, or regional headquarters
216 operation is not the predominant activity of a project facility, the jobs and
217 investment of such operation shall be considered eligible for benefits under this
218 section if the other requirements are satisfied;

219 (30) "Qualified manufacturing company", a company that:

220 (a) Is a qualified company that manufactures motor vehicles (NAICS
221 group 3361);

222 (b) Manufactures goods at a facility in Missouri;

223 (c) Manufactures a new product or has commenced making a
224 manufacturing capital investment to the project facility necessary for the
225 manufacturing of such new product, or modifies or expands the manufacture of
226 an existing product or has commenced making a manufacturing capital
227 investment for the project facility necessary for the modification or expansion of
228 the manufacture of such existing product; and

229 (d) Continues to meet the requirements of paragraphs (a) to (c) of this
230 subdivision for the project period;

231 (31) "Qualified military project", the expansion or improvement of a
232 military base or installation within this state that causes:

233 (a) An increase of ten or more **part-time or full-time** military or civilian
234 support personnel:

235 a. Whose average salaries equal or exceed ninety percent of the county
236 average wage; and

237 b. Who are offered health insurance, with an entity of the United States
238 Department of Defense paying at least fifty percent of such insurance premiums;
239 and

240 (b) Investment in real or personal property at the base or installation
241 expressly for the purposes of serving a new or expanded military activity or unit;

242 (32) "Related company", shall mean:

243 (a) A corporation, partnership, trust, or association controlled by the
244 qualified company;

245 (b) An individual, corporation, partnership, trust, or association in control
246 of the qualified company; or

247 (c) Corporations, partnerships, trusts or associations controlled by an
248 individual, corporation, partnership, trust, or association in control of the
249 qualified company. As used in this paragraph, "control of a qualified company"
250 shall mean:

251 a. Ownership, directly or indirectly, of stock possessing at least fifty
252 percent of the total combined voting power of all classes of stock entitled to vote
253 in the case of a qualified company that is a corporation;

254 b. Ownership of at least fifty percent of the capital or profit interest in
255 such qualified company if it is a partnership or association;

256 c. Ownership, directly or indirectly, of at least fifty percent of the
257 beneficial interest in the principal or income of such qualified company if it is a
258 trust, and ownership shall be determined as provided in Section 318 of the
259 Internal Revenue Code of 1986, as amended;

260 (33) "Related facility", a facility operated by the qualified company or a
261 related company located in this state that is directly related to the operations of
262 the project facility or in which operations substantially similar to the operations
263 of the project facility are performed;

264 (34) "Related facility base employment", the greater of the number of
265 full-time employees located at all related facilities on the date of the notice of
266 intent or, for the twelve-month period prior to the date of the notice of intent, the
267 average number of full-time employees located at all related facilities of the
268 qualified company or a related company located in this state;

269 (35) "Related facility base payroll", the annualized payroll of the related
270 facility base payroll or the total amount of taxable wages paid by the qualified
271 company to full-time employees of the qualified company located at a related
272 facility in the twelve months prior to the filing of the notice of intent. For
273 purposes of calculating the benefits under this program, the amount of related
274 facility base payroll shall increase each year based on an appropriate measure,
275 as determined by the department;

276 (36) "Rural area", a county in Missouri with a population less than
277 seventy-five thousand or that does not contain an individual city with a
278 population greater than fifty thousand according to the most recent federal
279 decennial census;

280 (37) "Tax credits", tax credits issued by the department to offset the state
281 taxes imposed by chapters 143 and 148, or which may be sold or refunded as
282 provided for in this program;

283 (38) "Withholding tax", the state tax imposed by sections 143.191 to
284 143.265. For purposes of this program, the withholding tax shall be computed
285 using a schedule as determined by the department based on average wages.

286 2. This section is subject to the provisions of section 196.1127.

620.2010. 1. In exchange for the consideration provided by the new tax
2 revenues and other economic stimuli that will be generated by the new jobs
3 created, a qualified company may, for a period of five years from the date the new
4 jobs are created, or for a period of six years from the date the new jobs are
5 created if the qualified company is an existing Missouri business, retain an
6 amount equal to the withholding tax as calculated under subdivision (38) of
7 section 620.2005 from the new jobs that would otherwise be withheld and
8 remitted by the qualified company under the provisions of sections 143.191 to
9 143.265 if:

10 (1) The qualified company creates ten or more new jobs, and the average
11 wage of the new payroll equals or exceeds ninety percent of the county average
12 wage;

13 (2) The qualified company creates two or more new jobs at a project
14 facility located in a rural area, the average wage of the new payroll equals or
15 exceeds ninety percent of the county average wage, and the qualified company
16 commits to making at least one hundred thousand dollars of new capital
17 investment at the project facility within two years; or

18 (3) The qualified company creates two or more new jobs at a project
19 facility located within a zone designated under sections 135.950 to 135.963, the
20 average wage of the new payroll equals or exceeds eighty percent of the county
21 average wage, and the qualified company commits to making at least one hundred
22 thousand dollars in new capital investment at the project facility within two years
23 of approval.

24 2. In addition to any benefits available under subsection 1 of this section,
25 the department may award a qualified company that satisfies subdivision (1) of
26 subsection 1 of this section additional tax credits, issued each year for a period
27 of five years from the date the new jobs are created, or for a period of six years
28 from the date the new jobs are created if the qualified company is an existing
29 Missouri business, in an amount equal to or less than six percent of new payroll;
30 provided that in no event may the total amount of benefits awarded to a qualified
31 company under this section exceed nine percent of new payroll in any calendar
32 year. The amount of tax credits awarded to a qualified company under this

33 subsection shall not exceed the projected net fiscal benefit to the state, as
34 determined by the department, and shall not exceed the least amount necessary
35 to obtain the qualified company's commitment to initiate the project. In
36 determining the amount of tax credits to award to a qualified company under this
37 subsection or a qualified manufacturing company under subsection 3 of this
38 section, the department shall consider the following factors:

- 39 (1) The significance of the qualified company's need for program benefits;
- 40 (2) The amount of projected net fiscal benefit to the state of the project
41 and the period in which the state would realize such net fiscal benefit;
- 42 (3) The overall size and quality of the proposed project, including the
43 number of new jobs, new capital investment, manufacturing capital investment,
44 proposed wages, growth potential of the qualified company, the potential
45 multiplier effect of the project, and similar factors;
- 46 (4) The financial stability and creditworthiness of the qualified company;
- 47 (5) The level of economic distress in the area;
- 48 (6) An evaluation of the competitiveness of alternative locations for the
49 project facility, as applicable; and
- 50 (7) The percent of local incentives committed.

51 3. (1) The department may award tax credits to a qualified
52 manufacturing company that makes a manufacturing capital investment of at
53 least five hundred million dollars not more than three years following the
54 department's approval of a notice of intent and the execution of an agreement
55 that meets the requirements of subsection 4 of this section. Such tax credits shall
56 be issued no earlier than January 1, 2023, and may be issued each year for a
57 period of five years. A qualified manufacturing company may qualify for an
58 additional five-year period under this subsection if it makes an additional
59 manufacturing capital investment of at least two hundred fifty million dollars
60 within five years of the department's approval of the original notice of intent.

61 (2) The maximum amount of tax credits that any one qualified
62 manufacturing company may receive under this subsection shall not exceed five
63 million dollars per calendar year. The aggregate amount of tax credits awarded
64 to all qualified manufacturing companies under this subsection shall not exceed
65 ten million dollars per calendar year.

66 (3) If, at the project facility at any time during the project period, the
67 qualified manufacturing company discontinues the manufacturing of the new
68 product, or discontinues the modification or expansion of an existing product, and

69 does not replace it with a subsequent or additional new product or with a
70 modification or expansion of an existing product, the company shall immediately
71 cease receiving any benefit awarded under this subsection for the remainder of
72 the project period and shall forfeit all rights to retain or receive any benefit
73 awarded under this subsection for the remainder of such period.

74 (4) Notwithstanding any other provision of law to the contrary, any
75 qualified manufacturing company that is awarded benefits under this section
76 shall not simultaneously receive tax credits or exemptions under sections 100.700
77 to 100.850 for the jobs created or retained or capital improvement that qualified
78 for benefits under this section. The provisions of subsection 5 of section 285.530
79 shall not apply to a qualified manufacturing company that is awarded benefits
80 under this section.

81 4. Upon approval of a notice of intent to receive tax credits under
82 subsection 2, 3, 6, or 7 of this section, the department and the qualified company
83 shall enter into a written agreement covering the applicable project period. The
84 agreement shall specify, at a minimum:

85 (1) The committed number of new jobs, new payroll, and new capital
86 investment, or the manufacturing capital investment and committed percentage
87 of retained jobs for each year during the project period;

88 (2) The date or time period during which the tax credits shall be issued,
89 which may be immediately or over a period not to exceed two years from the date
90 of approval of the notice of intent;

91 (3) Clawback provisions, as may be required by the department;

92 (4) Financial guarantee provisions as may be required by the department,
93 provided that financial guarantee provisions shall be required by the department
94 for tax credits awarded under subsection 7 of this section; and

95 (5) Any other provisions the department may require.

96 5. In lieu of the benefits available under sections 1 and 2 of this section,
97 and in exchange for the consideration provided by the new tax revenues and other
98 economic stimuli that will be generated by the new jobs created by the program,
99 a qualified company may, for a period of five years from the date the new jobs are
100 created, or for a period of six years from the date the new jobs are created if the
101 qualified company is an existing Missouri business, retain an amount equal to the
102 withholding tax as calculated under subdivision (38) of section 620.2005 from the
103 new jobs that would otherwise be withheld and remitted by the qualified company
104 under the provisions of sections 143.191 to 143.265 equal to:

105 (1) Six percent of new payroll for a period of five years from the date the
106 required number of new jobs were created if the qualified company creates one
107 hundred or more new jobs and the average wage of the new payroll equals or
108 exceeds one hundred twenty percent of the county average wage of the county in
109 which the project facility is located; or

110 (2) Seven percent of new payroll for a period of five years from the date
111 the required number of jobs were created if the qualified company creates one
112 hundred or more new jobs and the average wage of the new payroll equals or
113 exceeds one hundred forty percent of the county average wage of the county in
114 which the project facility is located.

115 The department shall issue a refundable tax credit for any difference between the
116 amount of benefit allowed under this subsection and the amount of withholding
117 tax retained by the company, in the event the withholding tax is not sufficient to
118 provide the entire amount of benefit due to the qualified company under this
119 subsection.

120 6. In addition to the benefits available under subsection 5 of this section,
121 the department may award a qualified company that satisfies the provisions of
122 subsection 5 of this section additional tax credits, issued each year for a period
123 of five years from the date the new jobs are created, or for a period of six years
124 from the date the new jobs are created if the qualified company is an existing
125 Missouri business, in an amount equal to or less than three percent of new
126 payroll; provided that in no event may the total amount of benefits awarded to
127 a qualified company under this section exceed nine percent of new payroll in any
128 calendar year. The amount of tax credits awarded to a qualified company under
129 this subsection shall not exceed the projected net fiscal benefit to the state, as
130 determined by the department, and shall not exceed the least amount necessary
131 to obtain the qualified company's commitment to initiate the project. In
132 determining the amount of tax credits to award to a qualified company under this
133 subsection, the department shall consider the factors provided under subsection
134 2 of this section.

135 7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this
136 section, and in exchange for the consideration provided by the new tax revenues
137 and other economic stimuli that will be generated by the new jobs and new
138 capital investment created by the program, the department may award a qualified
139 company that satisfies the provisions of subdivision (1) of subsection 1 of this
140 section tax credits, issued within one year following the qualified company's

141 acceptance of the department's proposal for benefits, in an amount equal to or
142 less than nine percent of new payroll. The amount of tax credits awarded to a
143 qualified company under this subsection shall not exceed the projected net fiscal
144 benefit to the state, as determined by the department, and shall not exceed the
145 least amount necessary to obtain the qualified company's commitment to initiate
146 the project. In determining the amount of tax credits to award to a qualified
147 company under this subsection, the department shall consider the factors
148 provided under subsection 2 of this section and the qualified company's
149 commitment to new capital investment and new job creation within the state for
150 a period of not less than ten years. For the purposes of this subsection, each
151 qualified company shall have an average wage of the new payroll that equals or
152 exceeds one hundred percent of the county average wage. Notwithstanding the
153 provisions of section 620.2020 to the contrary, this subsection, shall expire on
154 June 30, 2025.

155 8. No benefits shall be available under this section for any qualified
156 company that has performed significant, project-specific site work at the project
157 facility, purchased machinery or equipment related to the project, or has publicly
158 announced its intention to make new capital investment or manufacturing capital
159 investment at the project facility prior to receipt of a proposal for benefits under
160 this section or approval of its notice of intent, whichever occurs first.

161 9. In lieu of any other benefits under this chapter, the department of
162 economic development may award a tax credit to an industrial development
163 authority for a qualified military project in an amount equal to the estimated
164 withholding taxes associated with the **part-time and full-time** civilian and
165 military new jobs located at the facility and directly impacted by the project. The
166 amount of the tax credit shall be calculated by multiplying:

167 (1) The average percentage of tax withheld, as provided by the department
168 of revenue to the department of economic development;

169 (2) The average salaries of the jobs directly created by the qualified
170 military project; and

171 (3) The number of jobs directly created by the qualified military project.

172 If the amount of the tax credit represents the least amount necessary to
173 accomplish the qualified military project, the tax credits may be issued, but no
174 tax credits shall be issued for a term longer than fifteen years. No qualified
175 military project shall be eligible for tax credits under this subsection unless the
176 department of economic development determines the qualified military project

177 shall achieve a net positive fiscal impact to the state.

650.005. 1. There is hereby created a "Department of Public Safety" in
2 charge of a director appointed by the governor with the advice and consent of the
3 senate. The department's role will be to provide overall coordination in the
4 state's public safety and law enforcement program, to provide channels of
5 coordination with local and federal agencies in regard to public safety, law
6 enforcement and with all correctional and judicial agencies in regard to matters
7 pertaining to its responsibilities as they may interrelate with the other agencies
8 or offices of state, local or federal governments.

9 2. All the powers, duties and functions of the state highway patrol,
10 chapter 43 and others, are transferred by type II transfer to the department of
11 public safety. The governor by and with the advice and consent of the senate
12 shall appoint the superintendent of the patrol. With the exception of sections
13 43.100 to 43.120 relating to financial procedures, the director of public safety
14 shall succeed the state highways and transportation commission in approving
15 actions of the superintendent and related matters as provided in chapter
16 43. Uniformed members of the patrol shall be selected in the manner provided
17 by law and shall receive the compensation provided by law. Nothing in the
18 Reorganization Act of 1974, however, shall be interpreted to affect the funding of
19 appropriations or the operation of chapter 104 relating to retirement system
20 coverage or section 226.160 relating to workers' compensation for members of the
21 patrol.

22 3. All the powers, duties and functions of the supervisor of liquor control,
23 chapter 311 and others, are transferred by type II transfer to the department of
24 public safety. The supervisor shall be nominated by the department director and
25 appointed by the governor with the advice and consent of the senate. The
26 supervisor shall appoint such agents, assistants, deputies and inspectors as
27 limited by appropriations. All employees shall have the qualifications provided
28 by law and may be removed by the supervisor or director of the department as
29 provided in section 311.670.

30 4. All the powers, duties and functions of the safety and fire prevention
31 bureau of the department of public health and welfare are transferred by type I
32 transfer to the director of public safety.

33 5. All the powers, duties and functions of the state fire marshal, chapter
34 320 and others, are transferred to the department of public safety by a type I
35 transfer.

36 6. All the powers, duties and functions of the law enforcement assistance
37 council administering federal grants, planning and the like relating to Public
38 Laws 90-351, 90-445 and related acts of Congress are transferred by type I
39 transfer to the director of public safety. The director of public safety shall
40 appoint such advisory bodies as are required by federal laws or regulations. The
41 council is abolished.

42 7. The director of public safety shall promulgate motor vehicle regulations
43 and be ex officio a member of the safety compact commission in place of the
44 director of revenue and all powers, duties and functions relating to chapter 307
45 are transferred by type I transfer to the director of public safety.

46 8. [The office of adjutant general and the state militia are assigned to the
47 department of public safety; provided, however, nothing herein shall be construed
48 to interfere with the powers and duties of the governor as provided in Article IV,
49 Section 6 of the Constitution of the state of Missouri or chapter 41.

50 9.] All the powers, duties and functions of the Missouri boat commission,
51 chapter 306 and others, are transferred by type I transfer to the "Missouri State
52 Water Patrol", which is hereby created, in the department of public safety. The
53 Missouri boat commission and the office of secretary to the commission are
54 abolished. All deputy boat commissioners and all other employees of the
55 commission who were employed on February 1, 1974, shall be transferred to the
56 water patrol without further qualification. Effective January 1, 2011, all the
57 powers, duties, and functions of the Missouri state water patrol are transferred
58 to the division of water patrol within the Missouri state highway patrol as set out
59 in section 43.390.

60 [10.] 9. The Missouri veterans's commission, chapter 42, is assigned to
61 the department of public safety.

62 [11.] 10. Any rule or portion of a rule, as that term is defined in section
63 536.010, that is created under the authority delegated in this section shall
64 become effective only if it complies with and is subject to all of the provisions of
65 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
66 nonseverable and if any of the powers vested with the general assembly pursuant
67 to chapter 536 to review, to delay the effective date, or to disapprove and annul
68 a rule are subsequently held unconstitutional, then the grant of rulemaking
69 authority and any rule proposed or adopted after August 28, 2009, shall be
70 invalid and void.

Section B. The enactment of section 41.035 and the repeal and

2 reenactment of section 650.005 of this act shall become effective only upon
3 approval by the voters of an amendment to article IV of the Constitution of
4 Missouri that establishes the department of military forces.

✓

Unofficial

Bill

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