

SECOND REGULAR SESSION  
[CORRECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 718**  
**100TH GENERAL ASSEMBLY**

4078H.05C

DANA RADEMAN MILLER, Chief Clerk

---

**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 seventeen 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A. Sections 36.020, 168.021, 192.2305, 208.151, 210.109, 210.150, 379.122, 620.2005, 620.2010, and 650.005, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 9.182, 9.297, 9.300, 9.305, 10.230, 27.115, 36.020, 41.035, 168.021, 192.2305,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:

**9.182. The month of September shall be designated as "Deaf Awareness Month" and the last week of September shall be designated as "Deaf Awareness Week" in Missouri. The citizens of this state are encouraged to participate in appropriate activities and events to commemorate the first World Congress of the World Federation of the Deaf in 1951 and to increase awareness of deaf issues, people, and culture.**

**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.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

2       **9.300. The twenty-second day of each month shall be designated as "Buddy Check**  
3 **22 Day" in the state of Missouri. Citizens of this state are encouraged to check in on**  
4 **veterans on the twenty-second day of each month and participate in appropriate events**  
5 **and activities that raise awareness of the problem of suicide facing military personnel.**

2       **9.305. June sixth is hereby designated as "Ghost Army Recognition Day" in**  
3 **Missouri. Citizens of this state are encouraged to participate in appropriate events and**  
4 **activities to commemorate the deception missions carried out by the "Ghost Army" that**  
5 **were essential to Allied success in Europe during World War II.**

2       **10.230. The Missouri Korean War Veterans Memorial located in Kansas City,**  
3 **Missouri is selected for, and shall be known as, the official Korean War veterans memorial**  
4 **for the state of Missouri.**

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

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

- 2       (1) "Agency", "state agency" or "agency of the state", each department, board,  
3 commission or office of the state except for offices of the elected officials, the general assembly,  
4 the judiciary and academic institutions;
- 5       (2) "Appointing authority", an officer or agency subject to this chapter having power to  
6 make appointments;
- 7       (3) "Board", the personnel advisory board as established by section 36.050;
- 8       (4) "Broad classification band", a grouping of positions with similar levels of  
9 responsibility or expertise;
- 10       (5) "Class", "class of positions", or "job class", a group of positions subject to this  
11 chapter sufficiently alike in duties, authority and responsibilities to justify the same qualifications  
12 and the same schedule of pay to all positions in the group;
- 13       (6) "Director", the director of the division of personnel of the office of administration;

14 (7) "Disabled veteran", a veteran who has served on active duty in the Armed Forces at  
15 any time who receives compensation as a result of a service-connected disability claim allowed  
16 by the federal agency responsible for the administration of veteran's affairs, or who receives  
17 disability retirement or disability pension benefits from a federal agency as a result of such a  
18 disability or a National Guard veteran who was permanently disabled as a result of active service  
19 to the state at the call of the governor;

20 (8) "Division of service" or "division", a state department or any division or branch of  
21 the state, or any agency of the state government, all the positions and employees in which are  
22 under the same appointing authority;

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

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

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

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

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

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

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

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

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

54 (18) "Surviving spouse", the unmarried surviving spouse of a deceased disabled veteran  
55 or the unmarried ~~[survivor's]~~ **surviving** spouse of any person who was killed while on active  
56 duty in the Armed Forces of the United States or an unmarried surviving spouse of a National  
57 Guard veteran who was killed as a result of active service to the state at the call of the governor;

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

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

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

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

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

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

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

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation  
19 program;

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

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

27 (4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's  
28 degree, or higher degree, and a passing score for the designated exit examination, for individuals  
29 whose academic degree and professional experience are suitable to provide a basis for instruction  
30 solely in the subject matter of banking or financial responsibility, at the discretion of the state  
31 board. Such certificate shall be limited to the major area of study of the holder and shall be  
32 restricted to those certificates established under subdivision (2) of subsection 3 of this section.  
33 Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act  
34 under sections 168.102 to 168.130 and each school district shall have the decision-making  
35 authority on whether to hire the holders of such certificates;

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

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

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

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

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

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

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

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

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

65 (d) Completion of a background check as prescribed under section 168.133.

66 The initial visiting scholars certificate shall certify the holder of such certificate to teach for one  
67 year. An applicant shall be eligible to renew an initial visiting scholars certificate a maximum  
68 of two times, based upon the completion of the requirements listed under paragraphs (a), (b), and  
69 (d) of this subdivision; completion of professional development required by the school district  
70 and school; and attainment of a satisfactory performance-based teacher evaluation.

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

80           3. (1) Certificates of license to teach in the public schools of the state shall be based  
81 upon minimum requirements prescribed by the state board of education which shall include  
82 completion of a background check as prescribed in section 168.133. The state board shall  
83 provide for the following levels of professional certification: an initial professional certificate  
84 and a career continuous professional certificate.

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

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

91           (b) Complete thirty contact hours of professional development, which may include hours  
92 spent in class in an appropriate college curriculum, or for holders of a certificate under  
93 subdivision (4) of subsection 1 of this section, an amount of professional development in  
94 proportion to the certificate holder's hours in the classroom, if the certificate holder is employed  
95 less than full time; and

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

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

102           (b) The career continuous professional certificate shall be continuous based upon  
103 verification of actual employment in an educational position as provided for in state board  
104 guidelines and completion of fifteen contact hours of professional development per year which  
105 may include hours spent in class in an appropriate college curriculum. Should the possessor of  
106 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour

professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

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

- a. Has ten years of teaching experience as defined by the state board of education;
  - b. Possesses a master's degree; or
  - c. Obtains a rigorous national certification as approved by the state board of education.
4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate of license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall



142 **be valid for three years and shall** allow the holder to assume classroom duties pending the  
143 completion of a criminal background check under section 168.133, for any applicant who:

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

149 6. The state board may assess to holders of an initial professional certificate a fee, to be  
150 deposited into the excellence in education revolving fund established pursuant to section  
151 160.268, for the issuance of the career continuous professional certificate. However, such fee  
152 shall not exceed the combined costs of issuance and any criminal background check required as  
153 a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any  
154 fees associated with the program leading to the issuance of the certificate, but nothing in this  
155 section shall prohibit a district from developing a policy that permits fee reimbursement.

156 7. Any member of the public school retirement system of Missouri who entered covered  
157 employment with ten or more years of educational experience in another state or states and held  
158 a certificate issued by another state and subsequently worked in a school district covered by the  
159 public school retirement system of Missouri for ten or more years who later became certificated  
160 in Missouri shall have that certificate dated back to his or her original date of employment in a  
161 Missouri public school.

162 **8. Within thirty days after receiving an application from a spouse of an active duty**  
163 **member of the Armed Forces of the United States who has been transferred or is scheduled**  
164 **to be transferred to the state of Missouri, or who has been transferred or scheduled to be**  
165 **transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has**  
166 **moved to the state of Missouri on a permanent change-of-station basis and has successfully**  
167 **completed the background check described under subsection 5 of this section and section**  
168 **168.133, the state board shall issue to such applicant a full certificate of license to teach,**  
169 **provided that the applicant has paid all necessary fees and has otherwise met all**  
170 **requirements to be issued such a certificate.**

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

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

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

14           4. The department shall establish and implement procedures for resolution of complaints.  
15 The ombudsman or representatives of the office shall have the authority to:

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

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

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

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

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

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

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

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

42 (2) Establish and conduct training seminars, meetings and other programs for volunteers;  
43 and

44 (3) Supply personnel, written materials and such other reasonable assistance, including  
45 publicizing their activities, as may be deemed necessary.

46 10. The regional ombudsman coordinators and ombudsman volunteers shall have the  
47 authority to report instances of abuse and neglect to the ombudsman hotline operated by the  
48 department.

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

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

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

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

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

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

8 (2) All participants receiving aid to families with dependent children benefits, including  
9 all persons under nineteen years of age who would be classified as dependent children except for  
10 the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible  
11 under this subdivision who are participating in treatment court, as defined in section 478.001,  
12 shall have their eligibility automatically extended sixty days from the time their dependent child  
13 is removed from the custody of the participant, subject to approval of the Centers for Medicare  
14 and Medicaid Services;

- 15 (3) All participants receiving blind pension benefits;
- 16 (4) All persons who would be determined to be eligible for old age assistance benefits,  
17 permanent and total disability benefits, or aid to the blind benefits under the eligibility standards  
18 in effect December 31, 1973, or less restrictive standards as established by rule of the family  
19 support division, who are sixty-five years of age or over and are patients in state institutions for  
20 mental diseases or tuberculosis;
- 21 (5) All persons under the age of twenty-one years who would be eligible for aid to  
22 families with dependent children except for the requirements of subdivision (2) of subsection 1  
23 of section 208.040, and who are residing in an intermediate care facility, or receiving active  
24 treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section  
25 1396d, as amended;
- 26 (6) All persons under the age of twenty-one years who would be eligible for aid to  
27 families with dependent children benefits except for the requirement of deprivation of parental  
28 support as provided for in subdivision (2) of subsection 1 of section 208.040;
- 29 (7) All persons eligible to receive nursing care benefits;
- 30 (8) All participants receiving family foster home or nonprofit private child-care  
31 institution care, subsidized adoption benefits and parental school care wherein state funds are  
32 used as partial or full payment for such care;
- 33 (9) All persons who were participants receiving old age assistance benefits, aid to the  
34 permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who  
35 continue to meet the eligibility requirements, except income, for these assistance categories, but  
36 who are no longer receiving such benefits because of the implementation of Title XVI of the  
37 federal Social Security Act, as amended;
- 38 (10) Pregnant women who meet the requirements for aid to families with dependent  
39 children, except for the existence of a dependent child in the home;
- 40 (11) Pregnant women who meet the requirements for aid to families with dependent  
41 children, except for the existence of a dependent child who is deprived of parental support as  
42 provided for in subdivision (2) of subsection 1 of section 208.040;
- 43 (12) Pregnant women or infants under one year of age, or both, whose family income  
44 does not exceed an income eligibility standard equal to one hundred eighty-five percent of the  
45 federal poverty level as established and amended by the federal Department of Health and  
46 Human Services, or its successor agency;
- 47 (13) Children who have attained one year of age but have not attained six years of age  
48 who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget  
49 Reconciliation Act of 1989). The family support division shall use an income eligibility standard

50 equal to one hundred thirty-three percent of the federal poverty level established by the  
51 Department of Health and Human Services, or its successor agency;

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

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

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

71 (17) A child born to a woman eligible for and receiving MO HealthNet benefits under  
72 this section on the date of the child's birth shall be deemed to have applied for MO HealthNet  
73 benefits and to have been found eligible for such assistance under such plan on the date of such  
74 birth and to remain eligible for such assistance for a period of time determined in accordance  
75 with applicable federal and state law and regulations so long as the child is a member of the  
76 woman's household and either the woman remains eligible for such assistance or for children  
77 born on or after January 1, 1991, the woman would remain eligible for such assistance if she  
78 were still pregnant. Upon notification of such child's birth, the family support division shall  
79 assign a MO HealthNet eligibility identification number to the child so that claims may be  
80 submitted and paid under such child's identification number;

81 (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to  
82 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO  
83 HealthNet benefits be required to apply for aid to families with dependent children. The family  
84 support division shall utilize an application for eligibility for such persons which eliminates  
85 information requirements other than those necessary to apply for MO HealthNet benefits. The

86 division shall provide such application forms to applicants whose preliminary income  
87 information indicates that they are ineligible for aid to families with dependent children.  
88 Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection  
89 shall be informed of the aid to families with dependent children program and that they are  
90 entitled to apply for such benefits. Any forms utilized by the family support division for  
91 assessing eligibility under this chapter shall be as simple as practicable;

92 (19) Subject to appropriations necessary to recruit and train such staff, the family support  
93 division shall provide one or more full-time, permanent eligibility specialists to process  
94 applications for MO HealthNet benefits at the site of a health care provider, if the health care  
95 provider requests the placement of such eligibility specialists and reimburses the division for the  
96 expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and  
97 equipment of such eligibility specialists. The division may provide a health care provider with  
98 a part-time or temporary eligibility specialist at the site of a health care provider if the health care  
99 provider requests the placement of such an eligibility specialist and reimburses the division for  
100 the expenses, including but not limited to the salary, benefits, travel, training, telephone,  
101 supplies, and equipment, of such an eligibility specialist. The division may seek to employ such  
102 eligibility specialists who are otherwise qualified for such positions and who are current or  
103 former welfare participants. The division may consider training such current or former welfare  
104 participants as eligibility specialists for this program;

105 (20) Pregnant women who are eligible for, have applied for and have received MO  
106 HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to  
107 be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided  
108 under section 208.152 until the end of the sixty-day period beginning on the last day of their  
109 pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving  
110 birth shall, subject to appropriations and any necessary federal approval, be eligible for MO  
111 HealthNet benefits for substance abuse treatment and mental health services for the treatment  
112 of substance abuse for no more than twelve additional months, as long as the woman remains  
113 adherent with treatment. The department of mental health and the department of social services  
114 shall seek any necessary waivers or state plan amendments from the Centers for Medicare and  
115 Medicaid Services and shall develop rules relating to treatment plan adherence. No later than  
116 fifteen months after receiving any necessary waiver, the department of mental health and the  
117 department of social services shall report to the house of representatives budget committee and  
118 the senate appropriations committee on the compliance with federal cost neutrality requirements;

119 (21) Case management services for pregnant women and young children at risk shall be  
120 a covered service. To the greatest extent possible, and in compliance with federal law and  
121 regulations, the department of health and senior services shall provide case management services

to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

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

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

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

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C.

157 Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal  
158 poverty level;

159 (c) All persons who would be determined to be eligible for permanent and total disability  
160 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.  
161 Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan  
162 as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income  
163 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the  
164 income limit if authorized by annual appropriations. Eligibility standards for permanent and total  
165 disability benefits shall not be limited by age;

166 (25) Persons who have been diagnosed with breast or cervical cancer and who are  
167 eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons  
168 shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section  
169 1396r-1;

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

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

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

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

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

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



193 pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months  
194 immediately preceding the month in which such family becomes ineligible for such aid, because  
195 of hours of employment or income from employment of the caretaker relative, shall remain  
196 eligible for MO HealthNet benefits for six calendar months following the month of such  
197 ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6.  
198 Each family which has received such medical assistance during the entire six-month period  
199 described in this section and which meets reporting requirements and income tests established  
200 by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall  
201 receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet  
202 division may provide by rule and as authorized by annual appropriation the scope of MO  
203 HealthNet coverage to be granted to such families.

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

210 5. The department of social services may apply to the federal Department of Health and  
211 Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration  
212 waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars  
213 in additional costs to the state, unless subject to appropriation or directed by statute, but in no  
214 event shall such waiver applications or amendments seek to waive the services of a rural health  
215 clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2)  
216 or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section  
217 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight  
218 committee created in section 208.955. A request for such a waiver so submitted shall only  
219 become effective by executive order not sooner than ninety days after the final adjournment of  
220 the session of the general assembly to which it is submitted, unless it is disapproved within sixty  
221 days of its submission to a regular session by a senate or house resolution adopted by a majority  
222 vote of the respective elected members thereof, unless the request for such a waiver is made  
223 subject to appropriation or directed by statute.

224 6. Notwithstanding any other provision of law to the contrary, in any given fiscal year,  
225 any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of  
226 subsection 1 of this section shall only be eligible if annual appropriations are made for such  
227 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section  
228 ~~[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 neglect, although reports may be made anonymously; except that, reports by mandatory reporters under section 210.115, including employees of the children's division, juvenile officers, and school personnel shall not be made anonymously, provided that the reporter shall be informed, at the time of the report, that the reporter's name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319;

(4) Upon receipt of a report, check with the information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject

22 child, of any siblings, and the perpetrator, and relevant dispositional information regarding such  
23 previous reports;

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

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

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

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

42 **(9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator**  
43 **or any person responsible for the care, custody, and control of the subject child is a**  
44 **member of the Armed Forces, as defined in section 41.030.**

45 As used in this subsection, "report" includes any telephone call made pursuant to section  
46 210.145.

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

12 dissemination of information. Such information shall be used only for the purpose for which the  
13 information is released.

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

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

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

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

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

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

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

46         (7) Any person engaged in a bona fide research purpose, with the permission of the  
47 director; provided, however, that no information identifying the child named in the report as a

48 victim or the reporters shall be made available to the researcher, unless the identifying  
49 information is essential to the research or evaluation and the child named in the report as a victim  
50 or, if the child is less than eighteen years of age, through the child's parent, or guardian provides  
51 written permission;

52 (8) Any child-care facility; child-placing agency; residential-care facility, including  
53 group homes; juvenile courts; public or private elementary schools; public or private secondary  
54 schools; or any other public or private agency exercising temporary supervision over a child or  
55 providing or having care or custody of a child who may request an examination of the central  
56 registry from the division for all employees and volunteers or prospective employees and  
57 volunteers, who do or will provide services or care to children. Any agency or business  
58 recognized by the division or business which provides training and places or recommends people  
59 for employment or for volunteers in positions where they will provide services or care to children  
60 may request the division to provide an examination of the central registry. Such agency or  
61 business shall provide verification of its status as a recognized agency. Requests for  
62 examinations shall be made to the division director or the director's designee in writing by the  
63 chief administrative officer of the above homes, centers, public and private elementary schools,  
64 public and private secondary schools, agencies, or courts. The division shall respond in writing  
65 to that officer. The response shall include information pertaining to the nature and disposition  
66 of any report or reports of abuse or neglect revealed by the examination of the central registry.  
67 This response shall not include any identifying information regarding any person other than the  
68 alleged perpetrator of the abuse or neglect;

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

81 (10) Any person who inquires about a child abuse or neglect report involving a specific  
82 child-care facility, child-placing agency, residential-care facility, public and private elementary  
83 schools, public and private secondary schools, juvenile court or other state agency. The

84 information available to these persons is limited to the nature and disposition of any report  
85 contained in the central registry and shall not include any identifying information pertaining to  
86 any person mentioned in the report;

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

89 (12) Any child fatality review panel established pursuant to section 210.192 or any state  
90 child fatality review panel established pursuant to section 210.195;

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

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

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

107 (1) Appropriate staff of the division;

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

116 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be  
117 furnished to persons in this category. Prior to the release of any identifying information, the  
118 division shall determine if the release of such identifying information may place a person's life  
119 or safety in danger. If the division makes the determination that a person's life or safety may be

120 in danger, the identifying information shall not be released. However, the investigation reports  
121 will not be released to any alleged perpetrator with pending criminal charges arising out of the  
122 facts and circumstances named in the investigation records until an indictment is returned or an  
123 information filed;

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

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

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

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

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

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

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

149 **6. Notwithstanding any provisions of this section or chapter to the contrary, if the**  
150 **division receives a report and ascertains that a suspected perpetrator or any person**  
151 **responsible for the care, custody, and control of the subject child is a member of the Armed**  
152 **Forces, as defined in section 41.030, the division shall report its findings to the most**  
153 **relevant family advocacy program authorized by the United States Department of Defense**  
154 **or any other relevant person authorized by the United States Department of Defense to**  
155 **receive reports under 10 U.S.C. Section 1787.**

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

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

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

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

**5. The adjutant general shall ensure that members of the state military forces, as defined in section 40.005, receive notice of the protections provided under this section at such time as information regarding the Servicemembers Civil Relief Act, 50 U.S.C. 3901, et seq., is provided, or at such other times as the adjutant general deems appropriate. The notice shall specifically state that insurers are prohibited under this section from refusing to issue a policy of motor vehicle insurance, or from charging higher premiums, based solely on a lack of prior coverage where the lack of prior coverage was due to military service. The secretaries of the branches of the United States Armed Forces are hereby encouraged to likewise notify servicemembers under their jurisdictions of the protections provided under this section.**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

55 (14) "Memorandum of understanding", an agreement executed by an industrial  
56 development authority and an entity of the United States Department of Defense, a copy of which  
57 is provided to the department of economic development, that states, but is not limited to:

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

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

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

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

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

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

- 76           a. The maximum amount of tax credits authorized; or
- 77           b. The actual calculated benefit derived from the number of new jobs and average
- 78 salaries;
- 79           (15) "NAICS" or "NAICS industry classification", the classification provided by the
- 80 most recent edition of the North American Industry Classification System as prepared by the
- 81 Executive Office of the President, Office of Management and Budget;
- 82           (16) "New capital investment", shall include costs incurred by the qualified company at
- 83 the project facility after acceptance by the qualified company of the proposal for benefits from
- 84 the department or the approval notice of intent, whichever occurs first, for real or personal
- 85 property, and may include the value of finance or capital leases for real or personal property for
- 86 the term of such lease at the project facility executed after acceptance by the qualified company
- 87 of the proposal for benefits from the department or the approval of the notice of intent;
- 88           (17) "New direct local revenue", the present value of the dollar amount of direct net new
- 89 tax revenues of the local political subdivisions likely to be produced by the project over a
- 90 ten-year period as calculated by the department, excluding local earnings tax, and net new utility
- 91 revenues, provided the local incentives include a discount or other direct incentives from utilities
- 92 owned or operated by the political subdivision;
- 93           (18) "New job", the number of full-time employees located at the project facility that
- 94 exceeds the project facility base employment less any decrease in the number of full-time
- 95 employees at related facilities below the related facility base employment. No job that was
- 96 created prior to the date of the notice of intent shall be deemed a new job;
- 97           (19) "New payroll", the amount of wages paid for all new jobs, located at the project
- 98 facility during the qualified company's tax year that exceeds the project facility base payroll;
- 99           (20) "New product", a new model or line of a manufactured good that has not been
- 100 manufactured in Missouri by a qualified manufacturing company at any time prior to the date of
- 101 the notice of intent, or an existing brand, model, or line of a manufactured good that is
- 102 redesigned;
- 103           (21) "Notice of intent", a form developed by the department and available online,
- 104 completed by the qualified company, and submitted to the department stating the qualified
- 105 company's intent to request benefits under this program. The notice of intent shall be
- 106 accompanied with a detailed plan by the qualifying company to make good faith efforts to
- 107 employ, at a minimum, commensurate with the percentage of minority populations in the state
- 108 of Missouri, as reported in the previous decennial census, the following: racial minorities,
- 109 contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial
- 110 minorities commensurate with the percentage of minority populations in the state of Missouri,
- 111 as reported in the previous decennial census. At a minimum, such plan shall include monitoring

112 the effectiveness of outreach and recruitment strategies in attracting diverse applicants and  
113 linking with different or additional referral sources in the event that recruitment efforts fail to  
114 produce a diverse pipeline of applicants;

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

117 (23) "Program", the Missouri works program established in sections 620.2000 to  
118 620.2020;

119 (24) "Project facility", the building or buildings used by a qualified company at which  
120 new or retained jobs and any new capital investment are or will be located or by a qualified  
121 manufacturing company at which a manufacturing capital investment is or will be located. A  
122 project facility may include separate buildings located within sixty miles of each other such that  
123 their purpose and operations are interrelated; provided that where the buildings making up the  
124 project facility are not located within the same county, the average wage of the new payroll shall  
125 exceed the applicable percentage of the highest county average wage among the counties in  
126 which the buildings are located. Upon approval by the department, a subsequent project facility  
127 may be designated if the qualified company demonstrates a need to relocate to the subsequent  
128 project facility at any time during the project period. For qualified military projects, the term  
129 "project facility" means the military base or installation at which such qualified military project  
130 is or shall be located;

131 (25) "Project facility base employment", the greater of the number of full-time  
132 employees located at the project facility on the date of the notice of intent or, for the  
133 twelve-month period prior to the date of the notice of intent, the average number of full-time  
134 employees located at the project facility. In the event the project facility has not been in  
135 operation for a full twelve-month period, the average number of full-time employees for the  
136 number of months the project facility has been in operation prior to the date of the notice of  
137 intent;

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

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

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

(29) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

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

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

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

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

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

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

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

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

(g) Educational services (NAICS sector 61);

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

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

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

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

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

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

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

192 (c) Manufactures a new product or has commenced making a manufacturing capital  
193 investment to the project facility necessary for the manufacturing of such new product, or  
194 modifies or expands the manufacture of an existing product or has commenced making a  
195 manufacturing capital investment for the project facility necessary for the modification or  
196 expansion of the manufacture of such existing product; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 revenues and other economic stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (38) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

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

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

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

19 2. In addition to any benefits available under subsection 1 of this section, the department  
20 may award a qualified company that satisfies subdivision (1) of subsection 1 of this section  
21 additional tax credits, issued each year for a period of five years from the date the new jobs are  
22 created, or for a period of six years from the date the new jobs are created if the qualified  
23 company is an existing Missouri business, in an amount equal to or less than six percent of new  
24 payroll; provided that in no event may the total amount of benefits awarded to a qualified  
25 company under this section exceed nine percent of new payroll in any calendar year. The amount  
26 of tax credits awarded to a qualified company under this subsection shall not exceed the  
27 projected net fiscal benefit to the state, as determined by the department, and shall not exceed  
28 the least amount necessary to obtain the qualified company's commitment to initiate the project.  
29 In determining the amount of tax credits to award to a qualified company under this subsection  
30 or a qualified manufacturing company under subsection 3 of this section, the department shall  
31 consider the following factors:

32 (1) The significance of the qualified company's need for program benefits;

33 (2) The amount of projected net fiscal benefit to the state of the project and the period  
34 in which the state would realize such net fiscal benefit;

35 (3) The overall size and quality of the proposed project, including the number of new  
36 jobs, new capital investment, manufacturing capital investment, proposed wages, growth  
37 potential of the qualified company, the potential multiplier effect of the project, and similar  
38 factors;

39 (4) The financial stability and creditworthiness of the qualified company;

40 (5) The level of economic distress in the area;

41 (6) An evaluation of the competitiveness of alternative locations for the project facility,  
42 as applicable; and

43 (7) The percent of local incentives committed.



44           3. (1) The department may award tax credits to a qualified manufacturing company that  
45 makes a manufacturing capital investment of at least five hundred million dollars not more than  
46 three years following the department's approval of a notice of intent and the execution of an  
47 agreement that meets the requirements of subsection 4 of this section. Such tax credits shall be  
48 issued no earlier than January 1, 2023, and may be issued each year for a period of five years.  
49 A qualified manufacturing company may qualify for an additional five-year period under this  
50 subsection if it makes an additional manufacturing capital investment of at least two hundred  
51 fifty million dollars within five years of the department's approval of the original notice of intent.

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

56           (3) If, at the project facility at any time during the project period, the qualified  
57 manufacturing company discontinues the manufacturing of the new product, or discontinues the  
58 modification or expansion of an existing product, and does not replace it with a subsequent or  
59 additional new product or with a modification or expansion of an existing product, the company  
60 shall immediately cease receiving any benefit awarded under this subsection for the remainder  
61 of the project period and shall forfeit all rights to retain or receive any benefit awarded under this  
62 subsection for the remainder of such period.

63           (4) Notwithstanding any other provision of law to the contrary, any qualified  
64 manufacturing company that is awarded benefits under this section shall not simultaneously  
65 receive tax credits or exemptions under sections 100.700 to 100.850 for the jobs created or  
66 retained or capital improvement that qualified for benefits under this section. The provisions of  
67 subsection 5 of section 285.530 shall not apply to a qualified manufacturing company that is  
68 awarded benefits under this section.

69           4. Upon approval of a notice of intent to receive tax credits under subsection 2, 3, 6, or  
70 7 of this section, the department and the qualified company shall enter into a written agreement  
71 covering the applicable project period. The agreement shall specify, at a minimum:

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

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

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

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

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

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

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

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

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

103 6. In addition to the benefits available under subsection 5 of this section, the department  
104 may award a qualified company that satisfies the provisions of subsection 5 of this section  
105 additional tax credits, issued each year for a period of five years from the date the new jobs are  
106 created, or for a period of six years from the date the new jobs are created if the qualified  
107 company is an existing Missouri business, in an amount equal to or less than three percent of  
108 new payroll; provided that in no event may the total amount of benefits awarded to a qualified  
109 company under this section exceed nine percent of new payroll in any calendar year. The amount  
110 of tax credits awarded to a qualified company under this subsection shall not exceed the  
111 projected net fiscal benefit to the state, as determined by the department, and shall not exceed  
112 the least amount necessary to obtain the qualified company's commitment to initiate the project.  
113 In determining the amount of tax credits to award to a qualified company under this subsection,  
114 the department shall consider the factors provided under subsection 2 of this section.

7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs and new capital investment created by the program, the department may award a qualified company that satisfies the provisions of subdivision (1) of subsection 1 of this section tax credits, issued within one year following the qualified company's acceptance of the department's proposal for benefits, in an amount equal to or less than nine percent of new payroll. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section and the qualified company's commitment to new capital investment and new job creation within the state for a period of not less than ten years. For the purposes of this subsection, each qualified company shall have an average wage of the new payroll that equals or exceeds one hundred percent of the county average wage. Notwithstanding the provisions of section 620.2020 to the contrary, this subsection, shall expire on June 30, 2025.

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

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

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

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

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

If the amount of the tax credit represents the least amount necessary to accomplish the qualified military project, the tax credits may be issued, but no tax credits shall be issued for a term longer than fifteen years. No qualified military project shall be eligible for tax credits under this subsection unless the department of economic development determines the qualified military project shall achieve a net positive fiscal impact to the state.

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

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

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

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

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

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

7. The director of public safety shall promulgate motor vehicle regulations and be ex officio a member of the safety compact commission in place of the director of revenue and all

37 powers, duties and functions relating to chapter 307 are transferred by type I transfer to the  
38 director of public safety.

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

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

51 ~~[10.]~~ 9. The Missouri veterans's commission, chapter 42, is assigned to the department  
52 of public safety.

53 ~~[11.]~~ 10. Any rule or portion of a rule, as that term is defined in section 536.010, that  
54 is created under the authority delegated in this section shall become effective only if it complies  
55 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
56 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
57 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
58 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
59 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

Section B. The enactment of section 41.035 and the repeal and reenactment of section  
2 650.005 of this act shall become effective only upon approval by the voters of an amendment to  
3 article IV of the Constitution of Missouri that establishes the department of military forces.

✓