

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 656, Page 15, Section 208.151, Line 241,
2 inserting after all of said section and line the following:

3 "209.150. 1. Every person with a [visual, aural, or other] disability, [including diabetes,] as
4 defined in section 213.010, shall have the same rights afforded to a person with no such disability to
5 the full and free use of the streets, highways, sidewalks, walkways, public buildings, public
6 facilities, and other public places.

7 2. Every person with a [visual, aural, or other] disability, [including diabetes,] as defined in
8 section 213.010, is entitled to full and equal accommodations, advantages, facilities, and privileges
9 of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars,
10 boats or any other public conveyances or modes of transportation, hotels, lodging places, places of
11 public accommodation, amusement or resort, and other places to which the general public is invited,
12 subject only to the conditions and limitations established by law and applicable alike to all persons.

13 3. Every person with a [visual, aural, or other] disability, [including diabetes,] as defined in
14 section 213.010, shall have the right to be accompanied by a [guide dog, hearing dog, or] service
15 dog or dogs, as defined in section 209.200, which is especially trained for the purpose, in any of the
16 places listed in subsection 2 of this section without being required to pay an extra charge for the
17 [guide dog, hearing dog, or] service dog or dogs, as defined in section 209.200; provided that such
18 person shall be liable for any damage done to the premises or facilities by such dog.

19 4. As used in sections 209.150 to 209.190, the term "service dog" [means any dog
20 specifically trained to assist a person with a physical or mental disability by performing necessary
21 tasks or doing work which the person cannot perform. Such tasks shall include, but not be limited
22 to, pulling a wheelchair, retrieving items, carrying supplies, and search and rescue of an individual
23 with a disability] shall have the same definition as in section 209.200.

24 209.200. As used in sections [209.200] 209.150 to 209.204, not to exceed the provisions of
25 the Americans With Disabilities Act, the following terms shall mean:

26 (1) "Disability", as defined in section 213.010 including diabetes;

27 (2) "Service dog", a dog that is being or has been [specially] individually trained to do work
28 or perform tasks [which] for the benefit [a particular person] of an individual with a disability,
29 including a physical, sensory, psychiatric, intellectual, or other mental disability. Service dog
30 includes but is not limited to:

31 (a) "Guide dog", a dog that is being or has been specially trained to assist a particular blind
32 or visually impaired person;

33 (b) "Hearing dog", a dog that is being or has been specially trained to assist a particular deaf
34 or hearing-impaired person;

35 (c) "Medical alert or [respond] response dog", a dog that is being or has been trained to alert

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1 a person with a disability that a particular medical event is about to occur or to respond to a medical
 2 event that has occurred;

3 (d) "Mental health service dog" or "psychiatric service dog", a dog individually trained for
 4 its owner who is diagnosed with a psychiatric disability, medical condition, post traumatic stress
 5 disorder, or developmental disability recognized in the most recently published Diagnostic and
 6 Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with
 7 difficulties directly related to the owner's psychiatric disability, medical condition, or developmental
 8 disability;

9 (e) "Mobility dog", a dog that is being or has been specially trained to assist a person with a
 10 disability caused by physical impairments;

11 (f) "Professional therapy dog", a dog which is selected, trained, and tested to provide
 12 specific physical therapeutic functions, under the direction and control of a qualified handler who
 13 works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with
 14 their handlers, perform such functions in institutional settings, community-based group settings, or
 15 when providing services to specific persons who have disabilities. Professional therapy dogs do not
 16 include dogs, certified or not, which are used by volunteers in visitation therapy;

17 (g) "Search and rescue dog", a dog that is being or has been trained to search for or
 18 prevent a person with a mental disability, including but not limited to verbal and nonverbal autism,
 19 from becoming lost;

20 (3) "Service dog team", a team consisting of a trained service dog, a disabled person or
 21 child, and a person who is an adult and who has been trained to handle the service dog.

22 209.204. 1. Any person who knowingly impersonates a person with a disability for the
 23 purpose of receiving the accommodations regarding service dogs under the Americans with
 24 Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also
 25 be civilly liable for the amount of any actual damages resulting from such impersonation. Any
 26 second or subsequent violation of this section is a class B misdemeanor. For purposes of this
 27 section, "impersonates a person with a disability" means a representation by word or action as a
 28 person with a disability [~~or a representation of a dog by word or action as a service dog~~].

29 2. No person shall knowingly misrepresent a dog as a service dog for the purpose of
 30 receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42
 31 U.S.C. Section 12101, et seq. For purposes of this section, "misrepresent a dog as a service dog"
 32 means a representation by word or action that a dog has been trained as a service dog as defined in
 33 section 209.200. Misrepresentation of a service dog includes, but is not limited to:

34 (1) Knowingly creating documents that falsely represent that a dog is a service dog;
 35 (2) Knowingly providing to another person documents falsely stating that a dog is a service
 36 dog;

37 (3) Knowingly fitting a dog, if the dog is not a service dog, with a harness, collar, vest, or
 38 sign of the type commonly used by a person with a disability to indicate a dog is a service dog; or

39 (4) Knowingly representing that a dog is a service dog if the dog has not completed training
 40 to perform disability-related tasks or do disability-related work for a person with a disability.

41 A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly
 42 liable for any actual damages resulting from such misrepresentation. Any second or subsequent
 43 violation of this subsection is a class B misdemeanor.

44 3. No person shall knowingly misrepresent any animal as an assistance animal for the
 45 purpose of receiving the accommodations regarding assistance animals under the Fair Housing Act,
 46 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq. For the
 47 purposes of this section an "assistance animal" is an animal that works, provides assistance, or
 48 performs tasks, or is being trained to work, provide assistance, or perform tasks, for the benefit of a

1 person with a disability, or that provides emotional support that alleviates one or more identified
2 effects of a person's disability. While dogs are the most common type of assistance animal, other
3 animals can also be assistance animals. Misrepresentation of an assistance animal includes, but is
4 not limited to:

- 5 (1) Knowingly creating documents that falsely represent that an animal is an assistance
6 animal;
- 7 (2) Knowingly providing to another person documents falsely stating that an animal is an
8 assistance animal;
- 9 (3) Knowingly fitting an animal, if the animal is not an assistance animal, with a harness,
10 collar, vest, or sign of the type commonly used by a person with a disability to indicate an animal is
11 an assistance animal; or
- 12 (4) Knowingly and intentionally misrepresenting a material fact to a health care provider for
13 the purpose of obtaining documentation from the health care provider necessary to designate an
14 animal as an assistance animal. All documentation for an assistance animal must be from a
15 qualified professional as permitted under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or
16 the Rehabilitation Act, 29 U.S.C. Section 701, et seq.

17
18 A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly
19 liable for any actual damages resulting from such misrepresentation. Any second or subsequent
20 violation of this subsection is a class B misdemeanor.

21 4. The governor's council on disability shall prepare and make available online a placard
22 suitable for posting in a front window or door, stating that service dogs are welcome and that
23 misrepresentation of a service dog is a violation of Missouri law, as well as a brochure detailing
24 permissible questions as allowed by the Americans with Disabilities Act, a business owner may ask
25 in order to determine whether a dog is a service dog, and guidelines defining unacceptable behavior.

26 5. The governor's council on disability shall prepare and make available online a brochure
27 for landlords and tenants regarding laws relating to service dogs, assistance animals, and housing
28 under federal and Missouri law."; and

29
30 Further amend said bill, Page 28, Section 571.104, Line 178, by inserting after all of said section
31 and line the following:

32
33 "620.2005. 1. As used in sections 620.2000 to 620.2020, the following terms mean:

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

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

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

42 (4) "County average wage", the average wages in each county as determined by the
43 department for the most recently completed full calendar year. However, if the computed county
44 average wage is above the statewide average wage, the statewide average wage shall be deemed the
45 county average wage for such county for the purpose of determining eligibility. The department
46 shall publish the county average wage for each county at least annually. Notwithstanding the
47 provisions of this subdivision to the contrary, for any qualified company that in conjunction with
48 their project is relocating employees from a Missouri county with a higher county average wage, the
49 company shall obtain the endorsement of the governing body of the community from which jobs are

1 being relocated or the county average wage for their project shall be the county average wage for the
2 county from which the employees are being relocated;

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

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

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

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

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

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

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

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

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

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

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

36 (14) "Memorandum of understanding", an agreement executed by an industrial development
37 authority and an entity of the United States Department of Defense, a copy of which is provided to
38 the department of economic development, that states, but is not limited to: (a) A requirement for the
39 military to provide the total number of existing jobs, jobs directly created by a qualified military
40 project, and average salaries of such jobs to the industrial development authority and the department
41 of economic development annually for the term of the benefit; (b) A requirement for the
42 military to provide an accounting of the expenditures of capital investment made by the military
43 directly related to the qualified military project to the industrial development authority and the
44 department of economic development annually for the term of the benefit; (c) The process by which
45 the industrial development authority shall monetize the tax credits annually and any transaction cost
46 or administrative fee charged by the industrial development authority to the military on an annual
47 basis; (d) A requirement for the industrial development authority to provide proof to the
48 department of economic development of the payment made to the qualified military project
49 annually, including the amount of such payment; (e) The schedule of the maximum amount of

1 tax credits which may be authorized in each year for the project and the specified term of the
2 benefit, as provided by the department of economic development; and (f) A requirement that
3 the annual benefit paid shall be the lesser of: a. The maximum amount of tax credits authorized; or

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

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

8 (16) "New capital investment", shall include costs incurred by the qualified company at the
9 project facility after acceptance by the qualified company of the proposal for benefits from the
10 department or the approval notice of intent, whichever occurs first, for real or personal property, and
11 may include the value of finance or capital leases for real or personal property for the term of such
12 lease at the project facility executed after acceptance by the qualified company of the proposal for
13 benefits from the department or the approval of the notice of intent;

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

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

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

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

28 (21) "Notice of intent", a form developed by the department and available online, completed
29 by the qualified company, and submitted to the department stating the qualified company's intent to
30 request benefits under this program. The notice of intent shall be accompanied with a detailed plan
31 by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with
32 the percentage of minority populations in the state of Missouri, as reported in the previous decennial
33 census, the following: racial minorities, contractors who are racial minorities, and contractors that,
34 in turn, employ at a minimum racial minorities commensurate with the percentage of minority
35 populations in the state of Missouri, as reported in the previous decennial census. At a minimum,
36 such plan shall include monitoring the effectiveness of outreach and recruitment strategies in
37 attracting diverse applicants and linking with different or additional referral sources in the event that
38 recruitment efforts fail to produce a diverse pipeline of applicants;

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

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

42 (24) "Project facility", the building or buildings used by a qualified company at which new
43 or retained jobs and any new capital investment are or will be located or by a qualified
44 manufacturing company at which a manufacturing capital investment is or will be located. A
45 project facility may include separate buildings located within sixty miles of each other such that
46 their purpose and operations are interrelated; provided that where the buildings making up the
47 project facility are not located within the same county, the average wage of the new payroll shall
48 exceed the applicable percentage of the highest county average wage among the counties in which
49 the buildings are located. Upon approval by the department, a subsequent project facility may be

1 designated if the qualified company demonstrates a need to relocate to the subsequent project
2 facility at any time during the project period. For qualified military projects, the term "project
3 facility" means the military base or installation at which such qualified military project is or shall be
4 located;

5 (25) "Project facility base employment", the greater of the number of full-time employees
6 located at the project facility on the date of the notice of intent or, for the twelve-month period prior
7 to the date of the notice of intent, the average number of full-time employees located at the project
8 facility. In the event the project facility has not been in operation for a full twelve-month period, the
9 average number of full-time employees for the number of months the project facility has been in
10 operation prior to the date of the notice of intent;

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (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).

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

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

 - (a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);
 - (b) Manufactures goods at a facility in Missouri;
 - (c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies and the manufacture of an existing product or has commenced making a manufacturing investment for the project facility necessary for the modification or expansion of the nature of such existing product; and
 - (d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the period:

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

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

 - a. Whose average salaries equal or exceed ninety percent of the county average wage; and
 - b. Who are offered health insurance, with an entity of the United States Department of Defense paying at least fifty percent of such insurance premiums; and

c. For the purposes of this definition, part-time military or civilian support personnel shall be converted to full-time new jobs by, in hire date order, counting one full-time new job for every thirty-five averaged hours worked per week by part-time military or civilian support personnel in jobs directly created by the qualified military project. For each such full-time new job, the sum of the wages of the part-time military or civilian support personnel combined and converted to form the new job shall be the wage for the one full-time new job. Each part-time military or civilian support personnel whose job is combined and converted for such a full-time new job must be offered health insurance as described in this subdivision; and

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

(32) "Related company", shall mean:

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

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

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

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

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

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

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

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

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

25 2. This section is subject to the provisions of section 196.1127."; and

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27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.