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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

EMERGENCY RULE

6 CSR 10-2.140 Institutional Eligibility for Student Participation

PURPOSE: This rule sets forth policies and procedures of the Coordinating Board for Higher Education regarding the certification of public and private institutions of higher education so their full-time students may qualify for participation in the Access Missouri Financial Assistance program.

EMERGENCY STATEMENT: This emergency rule informs Missouri postsecondary education institutions of the requirements that must be met to participate in the Access Missouri Financial Assistance program enacted by the 94th General Assembly in SB 389. This emergency rule is necessary to protect the public welfare and achieve the compelling governmental interest of providing the foundation for the Access Missouri Financial Assistance program requirement that full-time students attend a participating Missouri institution in order to be considered for payment. An early effective date is essential since the Access Missouri Financial Assistance program replaced the Charles Gallagher Student Financial Assistance and Missouri College Guarantee programs effective August 28, 2007. As a result, the Department of Higher Education finds an immediate danger to

the public welfare and a compelling governmental interest, which requires this emergency action, to avoid any delay in Missouri educational institutions becoming familiar with these requirements in order to ensure compliance when offering assistance under the Access Missouri program to qualifying student applicants. A proposed rule, which covers the same material, will be submitted to the secretary of state upon approval of the Coordinating Board for Higher Education. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Higher Education believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed August 28, 2007, effective September 7, 2007, expires March 4, 2008.

(1) Definitions.

(A) Access Missouri shall mean the Access Missouri Financial Assistance Program set forth in sections 173.1101–173.1107, RSMo.

(B) Approved institution means any institution located in the state of Missouri that meets the requirements set forth in section 173.1102(2) or (3), RSMo, and that has been approved under 6 CSR 10-2.140.

(C) Approved private institution means an educational institution as defined in section 173.1102(2), RSMo.

(D) Approved public institution means an educational institution as defined in section 173.1102(3), RSMo.

(E) CBHE means the Coordinating Board for Higher Education created by section 173.005, RSMo.

(F) Department means the Department of Higher Education created by section 173.005, RSMo.

(G) His, him, or he shall apply equally to the female as well as the male sex where applicable in this rule.

(H) Standard admission policies shall mean policies approved and published by the approved institution to admit special students and students with a certificate of graduation from high school or the equivalent of that certificate.

(2) Policy.

(A) The CBHE is charged by statute to promulgate reasonable rules and regulations to affect the purposes of the Access Missouri program. In establishing this rule of institutional eligibility, the CBHE is guided principally by the *Constitution of Missouri*; the provisions of sections 173.1101–173.1107, RSMo; and decisions of the Missouri Supreme Court construing the laws of the state.

(B) The CBHE will administer the Access Missouri program as a need-based student financial assistance program to assist financially qualified full-time students enrolled in approved institutions of higher education.

(3) Institutional Eligibility.

(A) Only institutions certified by the CBHE as approved public or private institutions may participate in the Access Missouri program.

(B) Public and private institutions are eligible to participate in the Access Missouri program only if they permit faculty members to select textbooks without influence or pressure from any source in order to be approved institutions. This requirement is in addition to requirements set forth in sections 173.1102(2) and (3), RSMo, and elsewhere in this rule. Selection of textbooks within individual departments or schools by faculty curriculum committees shall not be considered inconsistent with this requirement.

(C) To be an approved private institution, an institution must be a nonprofit educational institution operating privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision. This requirement is in addition to requirements set forth in section 173.1102(2), RSMo, and

elsewhere in this rule. For the purposes of this rule, an independent board is one that meets the following minimum criteria:

1. The governing instrument of the institution gives the governing board final decision making authority for the institution;

2. The governing board is composed of a number of members as fixed or provided for in the governing instrument of the institution, who serve for terms of definite duration;

3. Each member of the governing board is free to exercise judgment independently in the interest of the institution without being controlled by any person or authority; and

4. The members of the governing board may not be removed by any authority during their respective terms, except for cause. For purposes of this criterion, "cause" shall not include any reason based upon religious affiliation, including failure to follow the directives of any purported superior authority, religious or otherwise.

(D) No institution offering a course of study leading only to a degree in theology or divinity shall be eligible for certification as an approved institution under this rule.

(4) The CBHE shall assign institutions to appropriate institutional groups based on length of program, institutional organization, and other criteria it considers applicable to such assignment.

(5) Institutional Responsibilities.

(A) Approved institutions shall—

1. Admit students based on the institution's standard admission policies;

2. Submit a copy of the institution's policy on satisfactory academic progress for the records of the CBHE;

3. Establish fair and equitable refund policies covering tuition, fees, and, where applicable, room and board charges. The refund policy shall be the same policy used by the institution for refunding all federal Title IV financial aid included in the Higher Education Act of 1965;

4. Systematically organize all student records (student financial aid, registrar, business office) pertaining to students who receive Access Missouri awards to be made readily available for review upon request by the CBHE; and

5. Verify each Access Missouri award recipient's eligibility by transmitting the student's record to the CBHE by the annual deadline published by the CBHE for the current academic year.

(B) When the approved institution receives the Access Missouri program funds for the awards made by the CBHE, the approved institution must—

1. Determine if the applicant is enrolled full-time and is making satisfactory progress in his course of study according to standards determined by the approved institution and 6 CSR 10-2.140;

2. Deliver the Access Missouri program funds to the Access Missouri award recipient in the amount determined by the CBHE using the institution's standard award delivery procedures, retaining the portion of the Access Missouri award that the applicant owes for education-related expenses (tuition, fees, room and board, and/or other education-related expenses) to that institution and promptly give the applicant any remaining funds;

3. Return the applicant's Access Missouri award to the CBHE within thirty (30) days of learning he is no longer eligible to receive an award, if this is determined prior to the delivery of funds to the applicant;

4. Be responsible for the repayment of any funds sent to it by the CBHE within thirty (30) days of learning either of the following:

A. The institution delivered Access Missouri funds to an applicant not eligible under the Access Missouri program if the award was based on erroneous, improper, or misleading information provided by the institution to the CBHE; or

B. The institution delivered the Access Missouri award funds to a person other than the one to whom the CBHE has directed the funds be delivered; and

5. Determine and calculate the amount of refunds to the CBHE based on the institution's refund formula for applicants who withdraw. The funds must be returned to the CBHE within thirty (30) days of the determination a withdrawal has occurred.

(C) The CBHE may refuse to make Access Missouri awards to applicants who attend institutions that fail to make timely refunds to the CBHE as provided above.

(6) Procedures.

(A) All institutions currently holding an approved institution status shall retain said status for a period of three (3) years from the effective date of this rule, unless that status is terminated in accordance with 6 CSR 10-2.140(3) or 6 CSR 10-2.140(6)(C).

(B) Any institution not designated an approved institution on the effective date of this rule shall make application to the CBHE to be certified as an approved institution in order for students attending the institution to be eligible to participate in the Access Missouri program. Applications for approved institution status shall be made on forms provided by the CBHE. Upon certification of an institution as an approved institution by the CBHE, the status of an approved institution shall continue for a period of three (3) years from the date of certification unless earlier terminated for changes in operation specified in 6 CSR 10-2.140(3) or 6 CSR 10-2.140(6)(C).

(C) During a period in which an institution is certified as an approved institution, if a substantial change occurs in the institution's governing structure; in the institution's hiring policies pertaining to administration, faculty, and staff; in the institution's admissions policies; in the institution's textbook selection procedures; in the level of programs or degrees offered by the institution; in the institution's qualification for accreditation by the Higher Learning Commission or other United States Department of Education-recognized accrediting agency; in the institution's record of compliance with lawfully promulgated CBHE policies and procedures; or in any other matter affecting the criteria set forth in section 173.205(2) or (3), RSMo, the CBHE may consider whether to terminate the institution's approved status because of such change. Institutions shall notify the CBHE in writing within thirty (30) days after any such change occurs. Before the CBHE makes a decision regarding the status of an approved institution, the CBHE may, at its own discretion, hold one (1) or more public hearing(s) under the procedures set forth in subsection (6)(G) of this rule.

(D) If any institution's approved institution status is terminated before the expiration of the three (3)-year term, the institution may thereafter apply to the CBHE for recertification on forms provided by the CBHE.

(E) If an approved institution desires to continue its status as an approved institution, it may apply for renewal of its approved institution status by filing an application for recertification as an approved institution at least sixty (60) days before the date its certification would normally expire. An application for recertification as an approved institution shall be made to the CBHE on forms provided by the CBHE.

(F) Upon receipt of a completed institutional application form, the CBHE may certify or recertify the institution as an approved institution or deny certification as an approved institution. The CBHE may base its decision on the information submitted by the institution, on the institution's record of compliance with CBHE policies and procedures, and on any other information that the CBHE deems reliable. The CBHE, at its own discretion, may hold one (1) or more public hearing(s) regarding the merits of the application.

(G) In the event the CBHE requires a hearing, the CBHE shall so advise the institution within a reasonable amount of time. The advice to the institution shall state the time and place of the hearing and the issues of concern to the CBHE. The institution shall publish conspicuous notices of such hearing in its buildings and on its grounds, in areas accessible to staff, faculty, and students, and the notices shall set forth the fact that the hearing is to be held; its date, time, location, and purpose; the telephone number and mailing

address of the commissioner of higher education at the department, and advice that comments concerning the issues identified by the CBHE may be communicated to the commissioner of higher education.

(H) The decision to certify, recertify, decertify, or reject initial certification of an institution as an approved institution shall rest solely within the discretion of the CBHE.

AUTHORITY: section 173.1103, (SS SCS SB 389, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 28, 2007, effective Sept. 7, 2007, expires March 4, 2008.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

EMERGENCY RULE

6 CSR 10-2.150 Student Eligibility and Application Procedures

PURPOSE: This rule sets forth the policies of the Coordinating Board for Higher Education regarding student eligibility and application procedures for student financial assistance under the Access Missouri Financial Assistance program.

EMERGENCY STATEMENT: This emergency rule is necessary in order to inform the public of the requirements that must be met to participate in, and the application process for, the Access Missouri Financial Assistance program enacted by the 94th General Assembly in SB 389. This emergency rule is necessary to protect the public welfare and achieve the compelling governmental interest of providing the required eligibility criteria and application process for a full-time student to be considered for payment under the Access Missouri Financial Assistance program. The Access Missouri Financial Assistance program replaced the Charles Gallagher Student Financial Assistance and Missouri College Guarantee programs effective August 28, 2007. The Department of Higher Education requires this emergency action to avoid any delay in providing qualifying students with the requirements they must meet to be eligible for such financial assistance. Any delay in explaining these new requirements may result in preventing eligible students from being able to qualify for this new educational funding. A proposed rule, which covers the same material, will be submitted to the secretary of state upon approval of the Coordinating Board for Higher Education. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Higher Education believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed August 28, 2007, effective September 7, 2007, expires March 4, 2008.

(1) Definitions.

(A) Academic year shall be from July 1 of any year through June 30 of the following year.

(B) Access Missouri shall mean the Access Missouri Financial Assistance Program set forth in sections 173.1101–173.1107, RSMo.

(C) Access Missouri award means an amount of money paid by the state of Missouri to a qualified applicant under the Access Missouri program.

(D) Applicant means a student who has filed a complete and accurate application to receive an Access Missouri award as prescribed by the CBHE and who qualifies to receive such award under section 173.1104, RSMo.

(E) Approved institution means any institution located in the state of Missouri that meets the requirements set forth in section 173.1102(2) or (3), RSMo, and that has been approved under 6 CSR 10-2.140.

(F) Award year shall be from July 1 of any year through June 30 of the following year, excluding summer terms.

(G) CBHE means the Coordinating Board for Higher Education created by section 173.005, RSMo.

(H) Department means the Department of Higher Education created by section 173.005, RSMo.

(I) EFC means Expected Family Contribution, the amount of money a student and family should pay toward the cost of postsecondary education as calculated annually by the United States Department of Education as a result of an official federal need analysis based on the student's federal need-based aid application form.

(J) Full-time student means a student who is enrolled in at least twelve (12) semester hours, eight (8) quarter hours, or the equivalent in another measurement system, but not less than the respective number sufficient to secure the certificate or degree toward which the student is working in no more than the number of semesters or their equivalent normally required by the institution for the program in which the student is enrolled.

(K) His, him, or he shall apply equally to the female as well as the male sex where applicable in this rule.

(L) Initial recipient means a student who qualifies under section 173.1104, RSMo, has filed an accurate and complete application by the deadline established by the CBHE for the Access Missouri program, and has not received an Access Missouri award in any prior academic year.

(M) Increment group shall mean a group organized by EFC in five hundred dollar (\$500) increments into which all eligible applicants are placed.

(N) Renewal recipient means a student who received an Access Missouri award, who meets the requirements set forth in section 173.1104, RSMo, and who has filed an accurate and complete application by the deadline established by the CBHE for the Access Missouri program.

(O) Residency, for the purpose of this rule, shall be determined by reference to the standards set forth in the determination of student residency rule, 6 CSR 10-3.010.

(P) Satisfactory academic progress means that a student is successfully completing sufficient courses in his course of study to secure the certificate or degree toward which he is working in no more than the number of semesters or their equivalent normally required by the institution in which the student is enrolled.

(2) Basic Eligibility Policy. To qualify for an Access Missouri award, an initial or a renewal recipient, at the time of his application and throughout the period during which he receives the award, must meet the requirements set forth in section 173.1104, RSMo.

(3) Application and Evaluation Policy.

(A) The CBHE shall annually prescribe the time and method for filing applications for financial assistance under the Access Missouri program. It shall make announcement of its action in these respects.

(B) Students shall apply annually for financial assistance under the Access Missouri program by completing and submitting the federal need-based aid application form as prescribed by the United States Department of Education.

(C) The department will evaluate each student's application for an Access Missouri award according to the student's EFC as calculated based on information provided in the student's federal need-based aid application form completed and submitted as prescribed by the United States Department of Education.

(D) Annual award amounts for renewal recipients may be increased or decreased based on a change in the financial condition of the applicant, the financial condition of the applicant's spouse or parents, or availability of funds for distribution during that award year.

(E) Exceptions to the department's procedures applicable to the Access Missouri program and reconsideration of applicants' need will take place only in unusual circumstances, such as death or disability of a wage earner, illness, or other economic reversal, and will

be considered on an individual basis only upon written request, submitted to the Missouri Department of Higher Education, Access Missouri Program, 3515 Amazonas Drive, Jefferson City, Missouri 65109.

(4) Award Policy.

(A) Access Missouri awards shall be allotted for one (1) award year.

(B) A renewal recipient may continue to receive a grant under the Access Missouri program so long as the applicant:

1. Maintains a cumulative grade point average of at least two and five-tenths (2.5) on a four-point (4.0) scale, or the equivalent on another scale;

2. Meets the satisfactory academic progress requirements as determined by the approved institution in which he is enrolled and as applied to other students at the approved institution receiving assistance under Title IV financial aid programs included in the Higher Education Act of 1965, with the exception of grade point average;

3. Otherwise meets the criteria of the Access Missouri program; and

4. Has not exceeded—

A. Five (5) semesters at a two (2)-year institution; or

B. Ten (10) semesters or fifteen (15) quarters at a four (4)-year institution.

(C) Initial and renewal recipients who meet the eligibility requirements set forth in sections 173.1101 through 173.1107, RSMo, and this rule shall be eligible for an Access Missouri award, with minimum and maximum annual award amounts as follows:

1. One thousand dollars (\$1,000) maximum and three hundred dollars (\$300) minimum for students attending institutions classified as part of the public two (2)-year sector;

2. Two thousand one hundred fifty dollars (\$2,150) maximum and one thousand dollars (\$1,000) minimum for students attending institutions classified as part of the public four (4)-year sector, including Linn State Technical College; and

3. Four thousand six hundred dollars (\$4,600) maximum and two thousand dollars (\$2,000) minimum for students attending approved private institutions.

(D) All students with an EFC of twelve thousand dollars (\$12,000) or less shall receive at least the minimum annual award amount for his institution. Maximum annual award amounts for recipients with an EFC above seven thousand dollars (\$7,000) shall be reduced by ten percent of the maximum EFC for his increment group.

(E) Maximum annual award amounts will be reduced as provided in section 173.1105, RSMo, across all institutional groups in order to ensure the total funds awarded through the Access Missouri program do not exceed the funds appropriated. If sufficient funds are appropriated, the department shall increase the number of recipients by raising the EFC cutoff.

(F) A student who has been denied an Access Missouri award for lack of satisfactory academic progress or the grade point average requirement at 6 CSR 10-2.150(4)(B)1. may not receive another Access Missouri award until the enrollment period after the applicable standard has once again been met.

(G) No Access Missouri awards will be granted to a student after—

1. A baccalaureate degree has been granted to the student;

2. The required hours for a baccalaureate degree have been completed by a student; or

3. The student has completed one hundred fifty (150) semester hours or two hundred twenty-five (225) quarter hours of coursework.

(H) Access Missouri awards will be made for use during the normal academic year, but no funds for Access Missouri awards will be granted for use for summer school.

(I) No Access Missouri award will be made retroactive to a previous academic year. An Access Missouri award will be made retroactive to a previous semester only upon the sole discretion of the department.

(J) Access Missouri awards will be issued only after certification

of full-time attendance of the student by the institution.

(K) Only one-half the annual Access Missouri award will be issued in a semester of that award year.

(L) An applicant's failure to provide required information by the established deadlines may result in loss of the Access Missouri award.

(M) The CBHE has the discretion to withhold payments of any Access Missouri awards after initiating an inquiry into the eligibility or the continued eligibility of a student or into the approved status of an institution.

(N) A student may transfer the Access Missouri award from one (1) approved public or private institution to another without losing eligibility for assistance, but the CBHE shall make any necessary adjustments in the amount of the award.

(5) Information Sharing Policy. All information on an individual's Access Missouri application will be shared with the financial aid office of the institution to which the individual has applied or is attending to permit verification of data submitted. Information may be shared with federal financial aid offices if necessary to verify data furnished by the state or federal governments as provided for in the Privacy Act of 1974, 5 U.S.C. sections 552, 552a.

AUTHORITY: section 173.1103, (SS SCS SB 389, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 28, 2007, effective Sept. 7, 2007, expires March 4, 2008.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 70—Safe at Home: Address Confidentiality Program

EMERGENCY RULE

15 CSR 30-70.010 Definitions

PURPOSE: This rule facilitates the administration of the Safe at Home Program in accordance with sections 589.660–589.681, RSMo. This rule provides definitions of terms in addition to those found in section 589.660, RSMo for the administration of the program.

EMERGENCY STATEMENT: During the First Regular Session of the 94th General Assembly, Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 583 was passed. This legislation contained a number of new sections relating to crime victims. This legislation created the "Address Confidentiality Program" (the "Safe at Home Program") in the secretary of state's office and authorized the secretary to promulgate rules to establish and administer the Safe at Home Program. The Safe at Home Program was created to protect victims of domestic violence, rape, sexual assault or stalking by authorizing the use of designated addresses for such victims and their minor children. The Safe at Home Program helps protect victims of domestic violence, rape, sexual assault, and stalking and their children by keeping their home, work or school address confidential and out of the hands of potential abusers. In 2006, there were forty thousand twenty-six (40,026) incidents of domestic violence documented by the Missouri Highway Patrol. As a result, the secretary of state's office finds an immediate danger to the public health, safety and welfare and a compelling governmental interest which requires this emergency action.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was

filed August 17, 2007, effective August 28, 2007, expires February 28, 2008.

(1) Address—A residential street address, school address, or work address of a person, as specified on the person's application to be a Safe at Home Program participant.

(2) Authorization card/letter—Card or letter issued by the secretary of state to a Safe at Home Program participant upon certification to the Safe at Home Program, which includes the Safe at Home Program participant's name, authorization code, voter code, designated address, signature and certification expiration date.

(3) Authorization code—A number assigned to a Safe at Home Program participant upon acceptance into the Safe at Home Program.

(4) Application—Standard application form provided by the secretary of state which must be completed by an applicant to the Safe at Home Program with approval of an application assistant as defined by section 589.663, RSMo.

(5) Application assistant—An employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, or stalking and who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of Safe at Home Program participation applications.

(6) Certification—The process by which an applicant is determined eligible to participate in the Safe at Home Program.

(7) Designated address—The address assigned to a Safe at Home Program participant by the secretary.

(8) Mailing address—An address that is recognized for delivery by the United States Postal Service.

(9) Program—The Safe at Home: Address Confidentiality Program established in section 589.663, RSMo.

(10) Program manager—Employee of the Office of the Secretary of State designated by the secretary to administer the Safe at Home Program pursuant to sections 589.660–589.681, RSMo.

(11) Program participant—A person certified by the secretary of state as eligible to participate in the Safe at Home Program.

(12) Qualified agency—A state or local agency or nonprofit program that provides counseling referral, shelter or other specialized service to victims of domestic abuse, rape, sexual assault or stalking.

(13) Secretary—The secretary of state. This may also include the secretary of state's office and the secretary's designee.

(14) Voter code—A number assigned to a Safe at Home Program participant upon acceptance into the Safe at Home Program which is to be used for identification purposes when registering to vote or when voting.

AUTHORITY: section 589.681, (SS SCS HCS HB 583, 94th General Assembly, First Regular Session (2007)). *Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 70—Safe at Home: Address Confidentiality
Program**

EMERGENCY RULE

15 CSR 30-70.020 Application Assistant Training, Registration and Renewal

PURPOSE: This rule facilitates the administration of the Safe at Home Program in accordance with sections 589.660–589.681, RSMo. This rule describes the manner and process for application and registration to the program by application assistants.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

EMERGENCY STATEMENT: During the First Regular Session of the 94th General Assembly, Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 583 was passed. This legislation contained a number of new sections relating to crime victims. This legislation created the "Address Confidentiality Program" (the "Safe at Home Program") in the secretary of state's office and authorized the secretary to promulgate rules to establish and administer the Safe at Home Program. The Safe at Home Program was created to protect victims of domestic violence, rape, sexual assault or stalking by authorizing the use of designated addresses for such victims and their minor children. The Safe at Home Program helps protect victims of domestic violence, rape, sexual assault, and stalking and their children by keeping their home, work or school address confidential and out of the hands of potential abusers. In 2006, there were forty thousand twenty-six (40,026) incidents of domestic violence documented by the Missouri Highway Patrol. As a result, the secretary of state's office finds an immediate danger to the public health, safety and welfare and a compelling governmental interest which requires this emergency action.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 17, 2007, effective August 28, 2007, expires February 28, 2008.

(1) All application assistants shall be trained and registered by the secretary in order to participate in the program.

(2) The application assistant may only be registered when the prospective application assistant:

(A) Is a service provider or works with a qualified agency and can demonstrate to the secretary relevant qualifications to work with victims of domestic abuse, rape, sexual assault or stalking;

(B) Successfully completes a program orientation and training session sponsored by the secretary;

(C) Completes an application for prospective application assistants on a form provided by the secretary, which includes, but is not limited to, the applicant's name, service provider or agency, address of service provider or agency, telephone number of service provider or agency, supervisor's name and relevant qualifications. The application assistant application form, incorporated herein by reference, is

published by the Missouri Secretary of State, PO Box 1767, Jefferson City, MO 65102-1767. This form does not include any amendments or additions. The form is available at the secretary of state's office or may be obtained by email to safeathome@sos.mo.gov or by mailing a written request to Safe at Home, PO Box 1409, Jefferson City, MO 65102-1409;

(D) Agrees to adhere to the policies, procedures and directions provided by the program manager for rendering assistance to program applicants;

(E) Agrees to adhere to the instructions and terms provided in the application assistant agreement including the obligation to notify the secretary of any change of employment; and

(F) Registers with the secretary as a voter registration solicitor on a form provided by the secretary.

(3) Application assistant registration shall be valid for two (2) years, unless terminated sooner as provided in these rules.

(4) The application assistant shall agree not to discriminate against any client, or potential program participant, because of race, creed, color, national origin, gender, sexual orientation, age, or mental, physical or sensory disability.

(5) The application assistant performing under this contract is not deemed to be an employee of the secretary or an agent of the secretary in any manner whatsoever. The application assistant will not hold herself/himself out as, nor claim to be an officer or employee of the secretary or of the state of Missouri simply because she/he is a program application assistant and will not make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the secretary or of the state of Missouri.

(6) An application assistant's registration may be terminated by the secretary for failing to abide by any requirement in this rule or for failing to act in accordance with requirements of the program.

AUTHORITY: section 589.681, (SS SCS HCS HB 583, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 70—Safe at Home: Address Confidentiality Program

EMERGENCY RULE

15 CSR 30-70.030 Program Participant Application and Certification Process

PURPOSE: This rule facilitates the administration of the Safe at Home Program in accordance with sections 589.660–589.681, RSMo. This rule describes the manner and process for application and certification to the program by prospective participants.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

EMERGENCY STATEMENT: During the First Regular Session of the

94th General Assembly, Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 583 was passed. This legislation contained a number of new sections relating to crime victims. This legislation created the "Address Confidentiality Program" (the "Safe at Home Program") in the secretary of state's office and authorized the secretary to promulgate rules to establish and administer the Safe at Home Program. The Safe at Home Program was created to protect victims of domestic violence, rape, sexual assault or stalking by authorizing the use of designated addresses for such victims and their minor children. The Safe at Home Program helps protect victims of domestic violence, rape, sexual assault, and stalking and their children by keeping their home, work or school address confidential and out of the hands of potential abusers. In 2006, there were forty thousand twenty-six (40,026) incidents of domestic violence documented by the Missouri Highway Patrol. As a result, the secretary of state's office finds an immediate danger to the public health, safety and welfare and a compelling governmental interest which requires this emergency action.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 17, 2007, effective August 28, 2007, expires February 28, 2008.

(1) A program applicant shall complete and sign the standard application form provided by the secretary and provide all the information required under section 589.663, RSMo and these rules. The standard application form shall include, but not be limited to, the application preparation date; the applicant's signature; and the signature, and registration number of the application assistant who assisted the applicant in applying to become a program participant, as provided in section 589.663, RSMo; a designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents and certified mail; a sworn statement by the applicant that she/he has good reason to believe that she/he is a victim of domestic violence, rape, sexual assault or stalking and that she/he fears further violent acts from his or her assailant; the mailing address where the applicant may be contacted by the secretary and the telephone number or numbers where the applicant may be called by the secretary; and any address that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household. The applicant may attach any relevant supporting documentation such as police reports or court documents. The program participant application form, incorporated herein by reference, is published by the Missouri Secretary of State, PO Box 1767, Jefferson City, MO 65102-1767. This form does not include any amendments or additions. The form is available at the secretary of state's office or may be obtained by email to safeathome@sos.mo.gov or by mailing a written request to Safe at Home, PO Box 1409, Jefferson City, MO 65102-1409.

(2) The application assistant who assists the applicant shall provide the applicant with the opportunity to register to vote or to change the name or address on the applicant's voter registration record on forms provided by the secretary. The completed voter registration application shall not contain the applicant's address. The completed voter registration application shall be transmitted to the secretary with the applicant's completed program application.

(3) The application assistant who assists the applicant shall forward by first-class mail or by facsimile (FAX) the completed application to the program manager of the secretary within twenty-four (24) hours of completion. If the application is forwarded by FAX transmission, the application assistant shall also mail the original application to the secretary. The application assistant shall not make or keep a copy of

the application. The secretary shall provide return envelopes and a FAX number to application assistants to expedite return of the program applications.

(4) A properly completed application shall be effective on the day that it is certified by the program manager. The program manager shall, within five (5) days of receipt of a completed application, either certify the applicant for participation in the program or notify the applicant of the reason(s) why the applicant was not certified.

(5) An individual who is certified as a program participant shall be issued an authorization card/letter which includes her/his name, authorization code, designated address, voter code, signature and certification expiration date immediately upon certification by the program manager.

(6) The term of a program participant's certification shall be four (4) years following the effective date of her/his application unless the certification is withdrawn or cancelled before that date pursuant to section 589.666, RSMo or these rules. The program manager shall send a program participant notification of lapsing certification and a reapplication form not later than four (4) weeks prior to the expiration of the program participant's certification.

(7) If there is a change in the program participant's name, mailing address or other address from the one listed on the application, the program participant shall notify the program manager of such change within ten (10) days of the change on a form prescribed by the secretary.

AUTHORITY: section 589.681, (SS SCS HCS HB 583, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expires Feb. 28, 2007. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 70—Safe at Home: Address Confidentiality
Program**

EMERGENCY RULE

15 CSR 30-70.040 Cancellation of Program Certification

PURPOSE: This rule facilitates the administration of the Safe at Home Program in accordance with sections 589.660–589.681, RSMo. This rule describes the manner and process for cancellation of certification to the program.

EMERGENCY STATEMENT: During the First Regular Session of the 94th General Assembly, Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 583 was passed. This legislation contained a number of new sections relating to crime victims. This legislation created the "Address Confidentiality Program" (the "Safe at Home Program") in the secretary of state's office and authorized the secretary to promulgate rules to establish and administer the Safe at Home Program. The Safe at Home Program was created to protect victims of domestic violence, rape, sexual assault or stalking by authorizing the use of designated addresses for such victims and their minor children. The Safe at Home Program helps protect victims of domestic violence, rape, sexual assault, and stalking and their children by keeping their home, work or school address confidential and out of the hands of potential abusers. In 2006, there were forty thousand twenty-six (40,026) incidents of domestic violence documented by the Missouri Highway Patrol. As a result, the secretary of state's office finds an

immediate danger to the public health, safety and welfare and a compelling governmental interest which requires this emergency action.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 17, 2007, effective August 28, 2007, expires February 28, 2008.

(1) Program certification shall be canceled if any of the following occur:

(A) The program participant fails to notify the program manager in writing signed by the participant of a change in the program participant's name or mailing address within ten (10) business days of the change; or

(B) Any one of the cancellation conditions provided for by section 589.666, RSMo.

(2) Upon notification of cancellation of her/his program certification, the program participant shall immediately destroy their authorization card/letter by cutting it into at least two (2) pieces and returning the pieces to the program manager.

(3) If certification for the program is canceled based on one (1) of the conditions set forth in section 589.666, RSMo or this rule, the program manager shall notify the program participant of the cancellation and the reasons for the cancellation by mail addressed to the participant's last known mailing address not less than two (2) weeks before the date that the cancellation will be effective.

(4) A program participant whose certification was canceled for failure to inform the program manager of a change of name or mailing address may reapply for certification.

(5) The secretary shall not make a former program participant's address available for inspection or copying except as provided for by sections 589.672 and 589.675, RSMo.

AUTHORITY: section 589.681, (SS SCS HCS HB 583, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 70—Safe at Home: Address Confidentiality
Program**

EMERGENCY RULE

15 CSR 30-70.050 Exercise of Program Participant's Privileges

PURPOSE: This rule facilitates the administration of the Safe at Home Program in accordance with sections 589.660–589.681, RSMo. This rule describes the manner and process of exercise of program participant privileges.

EMERGENCY STATEMENT: During the First Regular Session of the 94th General Assembly, Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 583 was passed. This legislation contained a number of new sections relating to crime victims. This legislation created the "Address Confidentiality Program" (the "Safe at Home Program") in the secretary of state's office and authorized the secretary to promulgate rules to establish and administer the Safe at Home Program. The

Safe at Home Program was created to protect victims of domestic violence, rape, sexual assault or stalking by authorizing the use of designated addresses for such victims and their minor children. The Safe at Home Program helps protect victims of domestic violence, rape, sexual assault, and stalking and their children by keeping their home, work or school address confidential and out of the hands of potential abusers. In 2006, there were forty thousand twenty-six (40,026) incidents of domestic violence documented by the Missouri Highway Patrol. As a result, the secretary of state's office finds an immediate danger to the public health, safety and welfare and a compelling governmental interest which requires this emergency action.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 17, 2007, effective August 28, 2007, expires February 28, 2008.

(1) A program participant shall request that a court or state or local agency use the designated address assigned by the secretary as her/his address at the time of creation of any new record.

(2) A program participant shall show her or his authorization card/letter to the court or state or local agency official creating a new record and request address confidentiality through use of the designated address in lieu of her/his address. The designated address shall appear on the program participant's authorization card/letter.

(3) Authorized court or state or local agency personnel may make a file photocopy of the authorization card/letter and shall immediately return the authorization card/letter to the program participant.

(4) A court or state or local agency shall accept the designated address unless the agency has received a written record disclosure determination from the secretary under section 589.669 or 589.672, RSMo and these rules.

(5) A court or state or local agency shall not question the program participant about the details or circumstances of her/his inclusion in the program. Rather, the court or agency shall accept the determination made by the secretary that she/he is a certified program participant.

AUTHORITY: section 589.681, (SS SCS HCS HB 583, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 70—Safe at Home: Address Confidentiality Program

EMERGENCY RULE

15 CSR 30-70.060 Service of Process

PURPOSE: This rule facilitates the administration of the Safe at Home Program in accordance with sections 589.660–589.681, RSMo. This rule describes the manner and process for service of process.

EMERGENCY STATEMENT: During the First Regular Session of the 94th General Assembly, Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 583

was passed. This legislation contained a number of new sections relating to crime victims. This legislation created the "Address Confidentiality Program" (the "Safe at Home Program") in the secretary of state's office and authorized the secretary to promulgate rules to establish and administer the Safe at Home Program. The Safe at Home Program was created to protect victims of domestic violence, rape, sexual assault or stalking by authorizing the use of designated addresses for such victims and their minor children. The Safe at Home Program helps protect victims of domestic violence, rape, sexual assault, and stalking and their children by keeping their home, work or school address confidential and out of the hands of potential abusers. In 2006, there were forty thousand twenty-six (40,026) incidents of domestic violence documented by the Missouri Highway Patrol. As a result, the secretary of state's office finds an immediate danger to the public health, safety and welfare and a compelling governmental interest which requires this emergency action.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 17, 2007, effective August 28, 2007, expires February 28, 2008.

(1) The secretary shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the secretary of any such summons, writ, demand, notice, or process shall be made by mailing to the designated address or by delivering to the secretary at her/his office, located at 600 West Main Street, Jefferson City, Missouri, two (2) copies of the summons, writ, notice, demand, or process.

(3) If a summons, writ, notice, demand, or process is served on the secretary, the secretary shall immediately forward a copy to the program participant at the participant's current mailing address as shown on the records of the program by certified mail.

(4) The secretary shall maintain, in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the secretary for that participant. The secretary shall include in the file the date of such service and the secretary's action upon receipt of service.

AUTHORITY: section 589.681, (SS SCS HCS HB 583, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 70—Safe at Home: Address Confidentiality Program

EMERGENCY RULE

15 CSR 30-70.070 Program Participant Renewal

PURPOSE: This rule facilitates the administration of the Safe at Home Program in accordance with sections 589.660–589.681, RSMo. This rule describes the manner and process for program participant certification renewal.

EMERGENCY STATEMENT: During the First Regular Session of the 94th General Assembly, Senate Substitute for Senate Committee

Substitute for House Committee Substitute for House Bill No. 583 was passed. This legislation contained a number of new sections relating to crime victims. This legislation created the "Address Confidentiality Program" (the "Safe at Home Program") in the secretary of state's office and authorized the secretary to promulgate rules to establish and administer the Safe at Home Program. The Safe at Home Program was created to protect victims of domestic violence, rape, sexual assault or stalking by authorizing the use of designated addresses for such victims and their minor children. The Safe at Home Program helps protect victims of domestic violence, rape, sexual assault, and stalking and their children by keeping their home, work or school address confidential and out of the hands of potential abusers. In 2006, there were forty thousand twenty-six (40,026) incidents of domestic violence documented by the Missouri Highway Patrol. As a result, the secretary of state's office finds an immediate danger to the public health, safety and welfare and a compelling governmental interest which requires this emergency action.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 17, 2007, effective August 28, 2007, expires February 28, 2008.

(1) A program participant may renew her/his program participation by filing a properly completed renewal form with the program manager. The renewal form shall be sent to the participant with the notification of lapsing certification required by section 589.663, RSMo and these rules at least four (4) weeks before the expiration of the participant's current certification.

(2) The program manager shall certify a program participant, who has filed a properly completed certification renewal form, to participate in the program for an additional four (4)-year term unless the certification is withdrawn or cancelled before that date.

(3) Upon receipt of a properly completed renewal form, the program manager shall issue to the program participant a new authorization card/letter which includes the program participant's name, authorization code, voter code, designated address, signature and new certification expiration date. Upon receipt of the new authorization card/letter, the participant shall destroy her/his expired card.

AUTHORITY: section 589.681, (SS SCS HCS HB 583, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 70—Safe at Home: Address Confidentiality
Program**

EMERGENCY RULE

15 CSR 30-70.080 Agency Disclosure Request

PURPOSE: This rule facilitates the administration of the Safe at Home Program in accordance with sections 589.660–589.681, RSMo. This rule describes the manner and process for agency disclosure requests.

EMERGENCY STATEMENT: During the First Regular Session of the 94th General Assembly, Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 583

was passed. This legislation contained a number of new sections relating to crime victims. This legislation created the "Address Confidentiality Program" (the "Safe at Home Program") in the secretary of state's office and authorized the secretary to promulgate rules to establish and administer the Safe at Home Program. The Safe at Home Program was created to protect victims of domestic violence, rape, sexual assault or stalking by authorizing the use of designated addresses for such victims and their minor children. The Safe at Home Program helps protect victims of domestic violence, rape, sexual assault and stalking and their children by keeping their home, work or school address confidential and out of the hands of potential abusers. In 2006, there were forty thousand twenty-six (40,026) incidents of domestic violence documented by the Missouri Highway Patrol. As a result, the secretary of state's office finds an immediate danger to the public health, safety and welfare and a compelling governmental interest which requires this emergency action.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 17, 2007, effective August 28, 2007, expires February 28, 2008.

(1) An agency requesting disclosure of a program participant's address or of a category of participants or records under sections 589.669 and 589.672, RSMo must provide in writing to the secretary:

(A) Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the address and mailing address of an individual or individuals;

(B) Identification and description of the specific record or record series for which disclosure is requested;

(C) Identification of the individuals who will have access to the record or records; and

(D) An explanation of why the agency cannot meet its statutory or administrative obligations by changing its procedures or rules.

(2) The secretary shall accept and review an agency's request for disclosure.

(3) During the review and evaluation or reconsideration of an agency's disclosure request, the agency shall accept the use of a program participant's designated address.

(4) The secretary's determination to grant or deny a disclosure request shall be based on, but not limited to, an evaluation of the information provided under this rule in conformance with the statutory standard of a bona fide statutory or administrative requirement for the use of a program participant's address and mailing address.

(5) If the secretary determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's address and mailing address information and that the address and mailing address information will be used only for those statutory and administrative purposes, the secretary may issue a written disclosure order for the agency. When granting disclosure, the secretary may include:

(A) Any obligations for the agency to maintain the confidentiality of a program participant's address information;

(B) Any limitations on use and access to that address information;

(C) Any term during which the disclosure is authorized for the agency;

(D) Any designation of the record format on which the address information may be maintained;

(E) Any designation of an address information disposition date after which the agency may no longer maintain a record of the

address information. The agency shall notify the secretary in writing of the disposition; and

(F) Any other provisions and qualifications determined appropriate by the secretary.

(6) When a program participant requests use of the designated address in a record, and the agency has received a disclosure order for that record:

(A) The agency shall immediately provide a copy of the written order to the requesting program participant; and

(B) The agency shall notify the program manager of the occurrence and denial of the program participant's request.

(7) The secretary's denial of an agency disclosure request shall be made in writing and include a statement of the specific reasons therefore.

(8) An agency may seek reconsideration of the denial of its request by resubmitting its written request within sixty (60) days of the issuance of a denial. The request shall be accompanied by additional information and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary's denial determination. Final administrative determination shall be made by the secretary.

AUTHORITY: section 589.681, (SS SCS HCS HB 583, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 70—Safe at Home: Address Confidentiality Program

EMERGENCY RULE

15 CSR 30-70.090 Disclosure to Law Enforcement

PURPOSE: This rule facilitates the administration of the Safe at Home Program in accordance with sections 589.660-589.681, RSMo. This rule describes the manner and process for disclosure to law enforcement.

EMERGENCY STATEMENT: During the First Regular Session of the 94th General Assembly, Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 583 was passed. This legislation contained a number of new sections relating to crime victims. This legislation created the "Address Confidentiality Program" (the "Safe at Home Program") in the secretary of state's office and authorized the secretary to promulgate rules to establish and administer the Safe at Home Program. The Safe at Home Program was created to protect victims of domestic violence, rape, sexual assault or stalking by authorizing the use of designated addresses for such victims and their minor children. The Safe at Home Program helps protect victims of domestic violence, rape, sexual assault, and stalking and their children by keeping their home, work or school address confidential and out of the hands of potential abusers. In 2006, there were forty thousand twenty-six (40,026) incidents of domestic violence documented by the Missouri Highway Patrol. As a result, the secretary of state's office finds an immediate danger to the public health, safety and welfare and a compelling governmental interest which requires this emergency action.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the

Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 17, 2007, effective August 28, 2007, expires February 28, 2008.

(1) A law enforcement officer requesting a program participant's address or mailing address under section 589.672, RSMo must provide the request to the secretary. The secretary may accept a verbal request upon the secretary's determination that an emergency exists that requires immediate disclosure or may require a request to be in writing. The request must contain:

(A) The reason the address is required by that law enforcement officer or agency;

(B) Identification and description of the specific record or record series for which the exemption is requested;

(C) Identification of the individuals who will have access to the record;

(D) An explanation of why the law enforcement agency cannot meet its obligations by changing its procedures or rules;

(E) Identification of the requesting individual's direct supervisor and contact information for that supervisor; and

(F) In the case of a verbal request, the circumstances justifying a determination that an emergency exists.

(2) The secretary shall review the request.

(3) The secretary's determination to grant or deny a disclosure request shall be based on, but not limited to, an evaluation of the information provided under this rule.

(4) If the secretary determines that a law enforcement officer or agency has a bona fide requirement for the use of a participant's address or mailing address information and that the address or mailing address information will be used only for the purpose of satisfying that requirement, the secretary may issue a written or verbal disclosure order for the law enforcement agency. A written record shall be maintained of the facts relating to a verbal order. When granting the request, the secretary may include:

(A) Any obligation for the law enforcement agency to maintain the confidentiality of a program participant's address information;

(B) Any limitations on use and access to that address information;

(C) Any term during which the disclosure is authorized for the law enforcement agency;

(D) Any designation of the record format on which the address information may be maintained;

(E) Any designation of an address information disposition date after which the law enforcement agency may no longer maintain a record of the address information. The law enforcement agency shall notify the secretary in writing of the disposition; and

(F) Any other provisions and qualifications determined appropriate by the secretary.

(5) When a program participant requests use of the designated address in a record, and the law enforcement officer or agency has received a written disclosure order for that record:

(A) The law enforcement officer or agency shall immediately provide a copy of the written order to the requesting program participant; and

(B) The law enforcement officer or agency shall notify the program manager of the occurrence and denial of the program participant's request.

(6) The secretary's denial of a law enforcement agency's disclosure request shall be made in writing and include a statement of the specific reasons therefore.

(7) A law enforcement agency may seek reconsideration of the denial of its request by resubmitting its request within sixty (60) days of the

issuance of a denial. The request shall be accompanied by additional information and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary's denial determination. Final administrative determination shall be made by the secretary.

*AUTHORITY: section 589.681, (SS SCS HCS HB 583, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expires Feb. 28, 2008. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2006.

EXECUTIVE ORDER 07-25

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that severe storms have caused flooding in Southwest Missouri along the I-44 corridor; and

WHEREAS, the National Weather Service documented the storm system was the result of the remnants of Tropical Storm Erin; and

WHEREAS, this flooding caused one death and numerous water rescues in the impacted counties; and

WHEREAS, this flooding has damaged public roads, bridges, and schools, as well as private property of residents and businesses; and

WHEREAS, the severe storms began August 19, 2007, and the effects continue to cause damage; and

WHEREAS, the protection and safety of the citizens of Missouri require an invocation of the provision of Sections 44.100 and 44.110, RSMo.

NOW, THEREFORE, I MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide support to the affected areas, as needed.

This order shall terminate on September 20, 2007, unless extended in whole or in part.



IN WITNESS WHEREOF, I
have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Missouri, in
the City of Jefferson, on this
24th day of August, 2007.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

EXECUTIVE ORDER**07-26**

WHEREAS, feral hogs are any swine or hog, including Russian and European wild boar, not conspicuously marked with an ear tag or other identifying mark and roaming freely on public or private land without the landowner's permission; and

WHEREAS, feral hogs pose a serious threat to Missouri's (1) agricultural interests through the potential transmission of disease to livestock and destruction of crops, and (2) forest, fish, and wildlife resources through competition with native wildlife for food and cover, destruction of habitat, and destruction of sensitive natural areas; and

WHEREAS, forest, fish, and wildlife resources annually generate over \$7 billion of economic benefits to Missouri; and

WHEREAS, feral hogs are currently reported to cause an estimated \$800 million per year in damages nationwide;

WHEREAS, feral hogs are reported to be established in 20 Missouri counties from a variety of sources such as escaped animals from traditional hog operations, dumped pets, and illegal releases by individuals desiring to establish huntable populations; and

WHEREAS, feral hogs inhabit both private and public lands; and

WHEREAS, the successful control of feral hogs will require broad stakeholder input and cooperation.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the powers in me vested by the Constitution and Laws of the State of Missouri, do hereby create by Executive Order a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs.

The ten-member task force shall be co-chaired by the directors of the Departments of Agriculture and Conservation. The Departments of Natural Resources and Health shall be represented in the task force membership. Other members should be selected to ensure a broad stakeholder group representing federal interests, agricultural industries—including representatives from both livestock and crop production,—sportsmen organizations, and the forest industry. *(Examples: United States Department of Agriculture (USDA) -Wildlife Services, United States Army Corps of Engineers and USDA Forest Service. Private organizations for consideration as members shall include the Conservation Federation of Missouri, Missouri Pork Association, Missouri Cattlemen's Association, MFA Inc., and Missouri Farm Bureau.)*

The task force shall complete the following:

1. Develop a public educational message regarding the negative impacts associated with feral hogs;
2. Review existing state laws/regulations regarding the illegal release of hogs and propose needed changes;
3. Develop and implement voluntary disease testing standards for feral hogs killed in Missouri;
4. Establish a contingency plan to be followed if disease(s) posing significant threats to human, livestock, and/or wildlife populations are documented in Missouri;
5. Implement aggressive proactive efforts to remove all feral hog populations from public lands and encourage private landowners to concurrently remove feral hogs from their property; and
6. Expand regulatory and enforcement efforts aimed at eliminating sources (e.g., escaped animals from traditional hog operations, dumped pets, and illegal releases by individuals desiring to establish populations) of feral hogs.

The task force shall complete a report outlining steps to be taken to implement/address the above items, the role of each state agency, anticipated costs of implementation, and associated benefits to the citizens and natural resources of Missouri. Directors of the Departments of Agriculture and Conservation shall provide the report to me within 120 days of the first task force meeting.



IN WITNESS WHEREOF, I
have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Missouri, in
the City of Jefferson, on this
30th day of August, 2007.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State