

SECOND REGULAR SESSION

HOUSE BILL NO. 1927

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUPP.

Read 1st time March 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5524L.01I

AN ACT

To repeal sections 115.427, 161.092, and 173.005, RSMo, and to enact in lieu thereof six new sections relating to illegal aliens.

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

Section A. Sections 115.427, 161.092, and 173.005, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 43.032, 115.427, 161.092, 173.005, 208.009, and 590.700, to read as follows:

43.032. Subject to appropriation, the superintendent of the Missouri state highway patrol may designate that some or all employees of the highway patrol be trained in accordance with a memorandum of understanding between the state of Missouri and the United States Department of Justice or the federal Department of Homeland Security concerning the enforcement of federal immigration laws on federal highways and interstates in the state of Missouri. The superintendent shall have the authority to negotiate the terms of such memorandum. The memorandum shall be signed by the superintendent of the highway patrol, the governor, and the director of the department of public safety.

115.427. 1. Before receiving a ballot, voters shall [identify themselves] **establish their identity and eligibility to vote at the polling place** by presenting a form of personal identification [from the following list:

(1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

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

- 6 (2) Identification issued by the United States government or agency thereof;
7 (3) Identification issued by an institution of higher education, including a university,
8 college, vocational and technical school, located within the state of Missouri;
9 (4) A copy of a current utility bill, bank statement, government check, paycheck or other
10 government document that contains the name and address of the voter;
11 (5) Driver's license or state identification card issued by another state; or
12 (6) Other identification approved by the secretary of state under rules promulgated
13 pursuant to subsection 3 of this section other identification approved by federal law.
14

15 Personal knowledge of the voter by two supervising election judges, one from each major
16 political party, shall be acceptable voter identification upon the completion of a secretary of
17 state-approved affidavit that is signed by both supervisory election judges and the voter that
18 attests to the personal knowledge of the voter by the two supervisory election judges. The
19 secretary of state may provide by rule for a sample affidavit to be used for such purpose].

20 **"Personal identification" shall only mean one of the following:**

- 21 **(1) Non-expired Missouri driver's license showing the name and a photograph or**
22 **digital image of the individual; or**
23 **(2) Non-expired or non-expiring Missouri nondriver's license showing the name**
24 **and a photographic or digital image of the individual; or**
25 **(3) A document that satisfies all of the following requirements:**
26 **(a) The document contains the name of the individual to whom the document was**
27 **issued, and the name conforms to the name in the individual's voter registration record;**
28 **(b) The document shows a photographic or digital image of the individual;**
29 **(c) The document includes an expiration date, and the document is not expired, or**
30 **if expired, expired not before the date of the most recent general election; and**
31 **(d) The document was issued by the United States or the state of Missouri.**

32 **2. The election judges shall notify a voter who presents at the polling place without**
33 **a form of personal identification that satisfies the requirements of subsection 1 of this**
34 **section that the voter may return to the polling place with a proper form of personal**
35 **identification and vote a regular ballot after election judges have verified the voter's**
36 **identity and eligibility under subsection 1 of this section. Voters who return to the polling**
37 **place during the uniform polling hours established by section 115.407 with a current and**
38 **valid form of personal identification shall be given priority in any voting lines.**

39 2. The precinct register shall serve as the voter identification certificate. The following
40 form shall be printed at the top of each page of the precinct register: VOTER'S
41 IDENTIFICATION CERTIFICATE

42 Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful
 43 right to vote.

44 PRECINCT

45 WARD OR TOWNSHIP GENERAL
 46 (SPECIAL, PRIMARY) ELECTION

47 Held, 20.....

48 Date

49 I hereby certify that I am qualified to vote at this election by signing my name and verifying my
 50 address by signing my initials next to my address.

51 3. The secretary of state shall promulgate rules to effectuate the provisions of this
 52 section.

53 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
 54 is created under the authority delegated in this section shall become effective only if it complies
 55 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
 56 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
 57 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
 58 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
 59 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
 60 invalid and void.

61 5. If any voter is unable to sign his name at the appropriate place on the certificate or
 62 computer printout, an election judge shall print the name and address of the voter in the
 63 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
 64 the voter's mark shall be witnessed by the signature of an election judge.

161.092. The state board of education shall:

2 (1) Adopt rules governing its own proceedings and formulate policies for the guidance
 3 of the commissioner of education and the department of elementary and secondary education;

4 (2) Carry out the educational policies of the state relating to public schools that are
 5 provided by law and supervise instruction in the public schools;

6 (3) Direct the investment of all moneys received by the state to be applied to the capital
 7 of any permanent fund established for the support of public education within the jurisdiction of
 8 the department of elementary and secondary education and see that the funds are applied to the
 9 branches of educational interest of the state that by grant, gift, devise or law they were originally
 10 intended, and if necessary institute suit for and collect the funds and return them to their
 11 legitimate channels;

12 (4) Cause to be assembled information which will reflect continuously the condition and
 13 management of the public schools of the state;

14 (5) Require of county clerks or treasurers, boards of education or other school officers,
15 recorders and treasurers of cities, towns and villages, copies of all records required to be made
16 by them and all other information in relation to the funds and condition of schools and the
17 management thereof that is deemed necessary;

18 (6) Provide blanks suitable for use by officials in reporting the information required by
19 the board;

20 (7) When conditions demand, cause the laws relating to schools to be published in a
21 separate volume, with pertinent notes and comments, for the guidance of those charged with the
22 execution of the laws;

23 (8) Grant, without fee except as provided in section 168.021, RSMo, certificates of
24 qualification and licenses to teach in any of the public schools of the state, establish requirements
25 therefor, formulate regulations governing the issuance thereof, and cause the certificates to be
26 revoked for the reasons and in the manner provided in section 168.071, RSMo;

27 (9) Classify the public schools of the state, subject to limitations provided by law,
28 establish requirements for the schools of each class, and formulate rules governing the inspection
29 and accreditation of schools preparatory to classification, with such requirements taking effect
30 not less than two years from the date of adoption of the proposed rule by the state board of
31 education, provided that this condition shall not apply to any requirement for which a time line
32 for adoption is mandated in either federal or state law;

33 (10) Make an annual report on or before the first Wednesday after the first day of January
34 to the general assembly or, when it is not in session, to the governor for publication and
35 transmission to the general assembly. The report shall be for the last preceding school year, and
36 shall include:

37 (a) A statement of the number of public schools in the state, the number of pupils
38 attending the schools, their sex, and the branches taught;

39 (b) A statement of the number of teachers employed, their sex, their professional
40 training, and their average salary;

41 (c) A statement of the receipts and disbursements of public school funds of every
42 description, their sources, and the purposes for which they were disbursed;

43 (d) Suggestions for the improvement of public schools; and

44 (e) Any other information relative to the educational interests of the state that the law
45 requires or the board deems important;

46 (11) Make an annual report to the general assembly and the governor concerning
47 coordination with other agencies and departments of government that support family literacy
48 programs and other services which influence educational attainment of children of all ages;

49 (12) Require from the chief officer of each division of the department of elementary and
50 secondary education, on or before the thirty-first day of August of each year, reports containing
51 information the board deems important and desires for publication;

52 (13) Cause fifty copies of its annual report to be reserved for the use of each division of
53 the state department of elementary and secondary education, and ten copies for preservation in
54 the state library;

55 (14) Have other powers and duties prescribed by law; **and**

56 **(15) Ensure that an adult individual who is not a citizen or a permanent resident**
57 **of the United States or does not possess lawful immigration status is prohibited from**
58 **participating in any family literacy program, parents-as-teachers program, vocational**
59 **education program, vocational rehabilitation program, or after-school tutoring program**
60 **in any manner whatsoever.**

173.005. 1. There is hereby created a "Department of Higher Education", and the
2 division of higher education of the department of education is abolished and all its powers,
3 duties, functions, personnel and property are transferred as provided by the Reorganization Act
4 of 1974, Appendix B, RSMo.

5 2. The commission on higher education is abolished and all its powers, duties, personnel
6 and property are transferred by type I transfer to the "Coordinating Board for Higher Education",
7 which is hereby created, and the coordinating board shall be the head of the department. The
8 coordinating board shall consist of nine members appointed by the governor with the advice and
9 consent of the senate, and not more than five of its members shall be of the same political party.
10 None of the members shall be engaged professionally as an educator or educational administrator
11 with a public or private institution of higher education at the time appointed or during his term.
12 The other qualifications, terms and compensation of the coordinating board shall be the same as
13 provided by law for the curators of the University of Missouri. The coordinating board may, in
14 order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section,
15 employ such professional, clerical and research personnel as may be necessary to assist it in
16 performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time
17 equivalent employees regardless of the source of funding. In addition to all other powers, duties
18 and functions transferred to it, the coordinating board for higher education shall have the
19 following duties and responsibilities:

20 (1) The coordinating board for higher education shall have approval of proposed new
21 degree programs to be offered by the state institutions of higher education;

22 (2) The coordinating board for higher education may promote and encourage the
23 development of cooperative agreements between Missouri public four-year institutions of higher
24 education which do not offer graduate degrees and Missouri public four-year institutions of

25 higher education which do offer graduate degrees for the purpose of offering graduate degree
26 programs on campuses of those public four-year institutions of higher education which do not
27 otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of
28 the parties, including assignment of administrative responsibility. Any diploma awarded for
29 graduate degrees under such a cooperative agreement shall include the names of both institutions
30 inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no
31 further approval from the coordinating board for higher education. Any costs incurred with
32 respect to the administrative provisions of this subdivision may be paid from state funds
33 allocated to the institution assigned the administrative authority for the program. The provisions
34 of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this
35 subsection;

36 (3) In consultation with the heads of the institutions of higher education affected and
37 against a background of carefully collected data on enrollment, physical facilities, manpower
38 needs, institutional missions, the coordinating board for higher education shall establish
39 guidelines for appropriation requests by those institutions of higher education; however, other
40 provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated
41 by the general assembly to the governing board of each public four-year institution of higher
42 education which shall prepare expenditure budgets for the institution;

43 (4) No new state-supported senior colleges or residence centers shall be established
44 except as provided by law and with approval of the coordinating board for higher education;

45 (5) The coordinating board for higher education shall establish admission guidelines
46 consistent with institutional missions;

47 (6) The coordinating board shall establish policies and procedures for institutional
48 decisions relating to the residence status of students;

49 (7) The coordinating board shall establish guidelines to promote and facilitate the
50 transfer of students between institutions of higher education within the state;

51 (8) The coordinating board shall collect the necessary information and develop
52 comparable data for all institutions of higher education in the state. The coordinating board shall
53 use this information to delineate the areas of competence of each of these institutions and for any
54 other purposes deemed appropriate by the coordinating board;

55 (9) Compliance with requests from the coordinating board for institutional information
56 and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall
57 be a prerequisite to the receipt of any funds for which the coordinating board is responsible for
58 administering; and

59 (10) If any institution of higher education in this state, public or private, willfully fails
60 or refuses to follow any lawful guideline, policy or procedure established or prescribed by the

61 coordinating board, or knowingly deviates from any such guideline, or knowingly acts without
62 coordinating board approval where such approval is required, or willfully fails to comply with
63 any other lawful order of the coordinating board, the coordinating board may, after a public
64 hearing, withhold or direct to be withheld from that institution any funds the disbursement of
65 which is subject to the control of the coordinating board, or may remove the approval of the
66 institution as an "approved institution" within the meaning of section 173.205, but nothing in this
67 section shall prevent any institution of higher education in this state from presenting additional
68 budget requests or from explaining or further clarifying its budget requests to the governor or the
69 general assembly; **and**

70 **(11) The coordinating board shall ensure that an individual who is not a citizen or**
71 **a permanent resident of the United States or does not possess lawful immigration status**
72 **shall not receive in-state tuition status, tuition waivers, fee waivers, grants, scholarship**
73 **assistance, financial aid, tuition assistance, or any other type of financial assistance at any**
74 **public higher education institution.**

75 3. The coordinating board shall meet at least four times annually with an advisory
76 committee who shall be notified in advance of such meetings. The coordinating board shall have
77 exclusive voting privileges. The advisory committee shall consist of thirty-two members, who
78 shall be the president or other chief administrative officer of the University of Missouri; the
79 chancellor of each campus of the University of Missouri; the president of each state-supported
80 four-year college or university, including Harris-Stowe State University, Missouri Southern State
81 University, Missouri Western State University, and Lincoln University; the president of Linn
82 State Technical College; the president or chancellor of each public community college district;
83 and representatives of each of five accredited private institutions selected biennially, under the
84 supervision of the coordinating board, by the presidents of all of the state's privately supported
85 institutions; but always to include at least one representative from one privately supported junior
86 college, one privately supported four-year college, and one privately supported university. The
87 conferences shall enable the committee to advise the coordinating board of the views of the
88 institutions on matters within the purview of the coordinating board.

89 4. The University of Missouri, Lincoln University, and all other state-governed colleges
90 and universities, chapters 172, 174 and 175, RSMo, and others, are transferred by type III
91 transfers to the department of higher education subject to the provisions of subsection 2 of this
92 section.

93 5. The state historical society, chapter 183, RSMo, is transferred by type III transfer to
94 the University of Missouri.

95 6. The state anatomical board, chapter 194, RSMo, is transferred by type II transfer to
96 the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163 and 178, RSMo, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a post-secondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. The administration of sections 163.171 and 163.181, RSMo, relating to teacher-training schools in cities, is transferred by type I transfer to the coordinating board for higher education.

9. All the powers, duties, functions, personnel and property of the state library and state library commission, chapter 181, RSMo, and others, are transferred by type I transfer to the coordinating board for higher education, and the state library commission is abolished. The coordinating board shall appoint a state librarian who shall administer the affairs of the state library under the supervision of the board.

10. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, RSMo, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.

208.009. 1. No person who is not a citizen or a permanent resident of the United States or who does not possess lawful immigration status shall receive state or local public assistance under this chapter, except for state or local public assistance that is mandated by federal law under 8 U.S.C. Section 1621.

2. In addition to providing proof of other eligibility requirements, at the time of application for any state or local public benefit, an applicant who is nineteen years of age or older shall provide affirmative proof that the applicant is a citizen or a permanent resident of the United States or possesses lawful immigration status. Such affirmative proof shall consist of documentary evidence recognized by the department of revenue when processing an application for a driver's license. A state or local government agency administering public assistance benefits shall not accept an identification card issued by

12 a state or local government agency, including a driver's license, to establish identity or
13 determine eligibility for public assistance benefits unless the state or local government
14 agency that issued the card has verified the immigration status of the applicant.

15 3. An applicant who is under the age of nineteen years shall not be required to
16 provide such affirmative proof. However, such person upon reaching the age of nineteen
17 years shall comply with the provisions of this section.

18 4. An applicant who cannot provide the proof required under this section at the
19 time of application may alternatively sign an affidavit under oath, attesting to either United
20 States citizenship or to classification by the United States as an alien lawfully admitted for
21 permanent residence, in order to receive temporary benefits or a temporary identification
22 document as provided in this section. The affidavit shall be on or consistent with forms
23 prepared by the state or local government agency administering the public assistance
24 benefits program, and shall include the applicant's Social Security number and an
25 explanation of the penalties under state law for fraudulently obtaining public assistance
26 benefits.

27 5. An applicant who has provided the sworn affidavit required under subsection
28 4 of this section is eligible to receive temporary public assistance program benefits as
29 follows:

30 (1) For ninety days or until such time that it is determined that the applicant is not
31 lawfully present in the United States, whichever is earlier; or

32 (2) Indefinitely if the applicant provides a copy of a completed application for a
33 birth certificate that is pending in Missouri or some other state. An extension granted
34 under this subsection shall terminate upon the applicant's receipt of a birth certificate or
35 a determination that a birth certificate does not exist because the applicant is not a United
36 States citizen.

37 6. All state agencies administering public assistance programs in this state shall
38 cooperate with local governments and the United States Department of Homeland Security
39 to develop a system to facilitate verification of an individual's lawful presence in the United
40 States in furtherance of this section. The system developed may include all or part of the
41 Systematic Alien Verification Entitlements Program operated by the United States
42 Department of Homeland Security.

2 590.700. Notwithstanding any other provision of law to the contrary and to the
3 extent permitted by federal law, peace officers are authorized to investigate, apprehend,
4 detain, or remove any individual who is not a citizen or permanent resident of the United
5 States or does not possess lawful immigration status and who is located in this state. Peace
officers are authorized to transport such individuals across state lines to a detention center.