

SENATE BILL NO. 882

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

3781S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 42.051, 167.020, and 324.001, RSMo, and to enact in lieu thereof four new sections relating to military affairs, with existing penalty provisions.

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

Section A. Sections 42.051, 167.020, and 324.001, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 41.589, 42.051, 167.020, and 324.001, to read as follows:

41.589. The governor is hereby authorized, upon recommendation of the adjutant general of Missouri, to present in the name of the state of Missouri, the Missouri Orange Heart Medal, which shall be of suitable design, as may be determined by the governor, to individuals who were members of the Armed Forces of the United States that served in the Vietnam Conflict, and were subsequently affected by exposure to Agent Orange during their military service. Not more than one Missouri orange heart medal shall be awarded or presented pursuant to the provisions of this section to any one person, nor shall such medal be awarded to or retained by any person who separated from service with the Armed Forces of the United States under dishonorable conditions. In the event of the death of any individual subsequent to his or her service who, in the opinion of the governor, as recommended by the adjutant general of Missouri, would be entitled to the Missouri orange heart

18 **medal, the same may be presented to the surviving primary**
19 **next of kin.**

42.051. 1. Every state agency shall ensure that any
2 form, including digital forms posted on an internet website,
3 used to collect data from individuals include the following
4 questions in substantially similar form:

5 (1) Have you **or an immediate family member** ever
6 served on active duty in the Armed Forces of the
7 United States and separated from such service
8 under conditions other than dishonorable?

9 (2) If answering question (1) in the affirmative,
10 would you like to receive information and
11 assistance regarding the agency's veteran
12 services?

13 2. Every state agency shall prepare information
14 regarding the agency's applicable services and benefits that
15 are available to veterans and provide such information to
16 those who answer the questions provided in subsection 1 of
17 this section in the affirmative. **The governor may maintain**
18 **an internet website consisting of the information provided**
19 **to veterans and immediate family members of veterans from**
20 **any state agency as required by this section.**

21 3. The provisions of subsection 1 of this section
22 shall only apply to any form first created on or after
23 August 28, 2021, or any form created before August 28, 2021,
24 and subsequently modified on or after August 28, 2021.

167.020. 1. As used in this section, the term
2 "homeless child" or "homeless youth" shall mean a person
3 less than twenty-one years of age who lacks a fixed, regular
4 and adequate nighttime residence, including a child or youth
5 who:

6 (1) Is sharing the housing of other persons due to
7 loss of housing, economic hardship, or a similar reason; is
8 living in motels, hotels, or camping grounds due to lack of
9 alternative adequate accommodations; is living in emergency
10 or transitional shelters; is abandoned in hospitals; or is
11 awaiting foster care placement;

12 (2) Has a primary nighttime residence that is a public
13 or private place not designed for or ordinarily used as a
14 regular sleeping accommodation for human beings;

15 (3) Is living in cars, parks, public spaces, abandoned
16 buildings, substandard housing, bus or train stations, or
17 similar settings; and

18 (4) Is a migratory child or youth who qualifies as
19 homeless because the child or youth is living in
20 circumstances described in subdivisions (1) to (3) of this
21 subsection.

22 2. In order to register a pupil, the parent or legal
23 guardian of the pupil or the pupil himself or herself shall
24 provide, at the time of registration, one of the following:

25 (1) Proof of residency in the district. Except as
26 otherwise provided in section 167.151, the term "residency"
27 shall mean that a person both physically resides within a
28 school district and is domiciled within that district or, in
29 the case of a private school student suspected of having a
30 disability under the Individuals With Disabilities Education
31 Act, 20 U.S.C. Section 1412, et seq., that the student
32 attends private school within that district. The domicile
33 of a minor child shall be the domicile of a parent, military
34 guardian pursuant to a military-issued guardianship or court-
35 appointed legal guardian. For instances in which the family
36 of a student living in Missouri co-locates to live with
37 other family members or live in a military family support

38 community because one or both of the child's parents are
39 stationed or deployed out of state or deployed within
40 Missouri under active duty orders under Title 10 or Title 32
41 of the United States Code, the student may attend the school
42 district in which the family member's residence or family
43 support community is located. If the active duty orders
44 expire during the school year, the student may finish the
45 school year in that district;

46 (2) Proof that the person registering the student has
47 requested a waiver under subsection 3 of this section within
48 the last forty-five days; or

49 (3) Proof that one or both of the child's parents are
50 being relocated to the state of Missouri under military
51 orders.

52 In instances where there is reason to suspect that admission
53 of the pupil will create an immediate danger to the safety
54 of other pupils and employees of the district, the
55 superintendent or the superintendent's designee may convene
56 a hearing within five working days of the request to
57 register and determine whether or not the pupil may register.

58 3. Any person subject to the requirements of
59 subsection 2 of this section may request a waiver from the
60 district board of any of those requirements on the basis of
61 hardship or good cause. Under no circumstances shall
62 athletic ability be a valid basis of hardship or good cause
63 for the issuance of a waiver of the requirements of
64 subsection 2 of this section. The district board or
65 committee of the board appointed by the president and which
66 shall have full authority to act in lieu of the board shall
67 convene a hearing as soon as possible, but no later than
68 forty-five days after receipt of the waiver request made

69 under this subsection or the waiver request shall be
70 granted. The district board or committee of the board may
71 grant the request for a waiver of any requirement of
72 subsection 2 of this section. The district board or
73 committee of the board may also reject the request for a
74 waiver in which case the pupil shall not be allowed to
75 register. Any person aggrieved by a decision of a district
76 board or committee of the board on a request for a waiver
77 under this subsection may appeal such decision to the
78 circuit court in the county where the school district is
79 located.

80 4. Any person who knowingly submits false information
81 to satisfy any requirement of subsection 2 of this section
82 is guilty of a class A misdemeanor.

83 5. In addition to any other penalties authorized by
84 law, a district board may file a civil action to recover,
85 from the parent, military guardian or legal guardian of the
86 pupil, the costs of school attendance for any pupil who was
87 enrolled at a school in the district and whose parent,
88 military guardian or legal guardian filed false information
89 to satisfy any requirement of subsection 2 of this section.

90 6. Subsection 2 of this section shall not apply to a
91 pupil who is a homeless child or youth, or a pupil attending
92 a school not in the pupil's district of residence as a
93 participant in an interdistrict transfer program established
94 under a court-ordered desegregation program, a pupil who is
95 a ward of the state and has been placed in a residential
96 care facility by state officials, a pupil who has been
97 placed in a residential care facility due to a mental
98 illness or developmental disability, a pupil attending a
99 school pursuant to sections 167.121 and 167.151, a pupil
100 placed in a residential facility by a juvenile court, a

101 pupil with a disability identified under state eligibility
102 criteria if the student is in the district for reasons other
103 than accessing the district's educational program, or a
104 pupil attending a regional or cooperative alternative
105 education program or an alternative education program on a
106 contractual basis.

107 7. Within two business days of enrolling a pupil, the
108 school official enrolling a pupil, including any special
109 education pupil, shall request those records required by
110 district policy for student transfer and those discipline
111 records required by subsection 9 of section 160.261 from all
112 schools previously attended by the pupil within the last
113 twelve months. Any school district that receives a request
114 for such records from another school district enrolling a
115 pupil that had previously attended a school in such district
116 shall respond to such request within five business days of
117 receiving the request. School districts may report or
118 disclose education records to law enforcement and juvenile
119 justice authorities if the disclosure concerns law
120 enforcement's or juvenile justice authorities' ability to
121 effectively serve, prior to adjudication, the student whose
122 records are released. The officials and authorities to whom
123 such information is disclosed must comply with applicable
124 restrictions set forth in 20 U.S.C. Section 1232g(b)(1)(E).

125 8. If one or both of a child's parents are being
126 relocated to the state of Missouri under military orders, a
127 school district shall allow remote registration of the
128 student and shall not require the parent or legal guardian
129 of the student or the student himself or herself to
130 physically appear at a location within the district to
131 register the student. Proof of residency, as described in
132 this section, shall not be required at the time of the

133 remote registration but shall be required within ten days of
134 the student's attendance in the school district.

135 **9. (1) If the parent or legal guardian of a pupil is**
136 **an active duty member of the Armed Forces of the United**
137 **States, the parent or legal guardian may register the pupil**
138 **with the school district and the school in the school**
139 **district of the parent's or legal guardian's choice**
140 **regardless of the capacity of the school district. To be**
141 **eligible for admission to the school district and the school**
142 **of the parent's or legal guardian's choice, at least one**
143 **parent or legal guardian shall provide:**

144 **(a) An identification card issued by the Department of**
145 **Defense; and**

146 **(b) Evidence that the parent or legal guardian is**
147 **under active duty status in the Armed Forces of the United**
148 **States pursuant to Title 10 or Title 32 of the United States**
149 **Code and requires the parent or legal guardian to be**
150 **stationed or deployed out of state or deployed within**
151 **Missouri in support of combat, contingency operation, or a**
152 **natural disaster for more than thirty consecutive days.**

153 **(2) Unless otherwise required by law, this subsection**
154 **shall not require a school district to provide**
155 **transportation services to a pupil registered in the school**
156 **district and school in the school district chosen by a**
157 **parent or legal guardian pursuant to this subsection if the**
158 **pupil would not otherwise be registered in the school**
159 **district and the school in the school district pursuant to**
160 **subsection 2 of this section.**

324.001. 1. For the purposes of this section, the
2 following terms mean:

3 (1) "Department", the department of commerce and
4 insurance;

5 (2) "Director", the director of the division of
6 professional registration; and

7 (3) "Division", the division of professional
8 registration.

9 2. There is hereby established a "Division of
10 Professional Registration" assigned to the department of
11 commerce and insurance as a type III transfer, headed by a
12 director appointed by the governor with the advice and
13 consent of the senate. All of the general provisions,
14 definitions and powers enumerated in section 1 of the
15 Omnibus State Reorganization Act of 1974 and Executive Order
16 06-04 shall apply to this department and its divisions,
17 agencies, and personnel.

18 3. The director of the division of professional
19 registration shall promulgate rules and regulations which
20 designate for each board or commission assigned to the
21 division the renewal date for licenses or certificates.
22 After the initial establishment of renewal dates, no
23 director of the division shall promulgate a rule or
24 regulation which would change the renewal date for licenses
25 or certificates if such change in renewal date would occur
26 prior to the date on which the renewal date in effect at the
27 time such new renewal date is specified next occurs. Each
28 board or commission shall by rule or regulation establish
29 licensing periods of one, two, or three years. Registration
30 fees set by a board or commission shall be effective for the
31 entire licensing period involved, and shall not be increased
32 during any current licensing period. Persons who are
33 required to pay their first registration fees shall be
34 allowed to pay the pro rata share of such fees for the
35 remainder of the period remaining at the time the fees are
36 paid. Each board or commission shall provide the necessary

37 forms for initial registration, and thereafter the director
38 may prescribe standard forms for renewal of licenses and
39 certificates. Each board or commission shall by rule and
40 regulation require each applicant to provide the information
41 which is required to keep the board's records current. Each
42 board or commission shall have the authority to collect and
43 analyze information required to support workforce planning
44 and policy development. Such information shall not be
45 publicly disclosed so as to identify a specific health care
46 provider, as defined in section 376.1350. Each board or
47 commission shall issue the original license or certificate.

48 4. The division shall provide clerical and other staff
49 services relating to the issuance and renewal of licenses
50 for all the professional licensing and regulating boards and
51 commissions assigned to the division. The division shall
52 perform the financial management and clerical functions as
53 they each relate to issuance and renewal of licenses and
54 certificates. "Issuance and renewal of licenses and
55 certificates" means the ministerial function of preparing
56 and delivering licenses or certificates, and obtaining
57 material and information for the board or commission in
58 connection with the renewal thereof to include verifying if
59 the applicant has submitted all required documentation and
60 that the documentation is legible. It does not include any
61 discretionary authority with regard to the original review
62 of an applicant's qualifications for licensure or
63 certification, or the subsequent review of licensee's or
64 certificate holder's qualifications, or any disciplinary
65 action contemplated against the licensee or certificate
66 holder. The division may develop and implement microfilming
67 systems and automated or manual management information
68 systems.

69 5. The director of the division shall maintain a
70 system of accounting and budgeting, in cooperation with the
71 director of the department, the office of administration,
72 and the state auditor's office, to ensure proper charges are
73 made to the various boards for services rendered to them.
74 The general assembly shall appropriate to the division and
75 other state agencies from each board's funds moneys
76 sufficient to reimburse the division and other state
77 agencies for all services rendered and all facilities and
78 supplies furnished to that board.

79 6. For accounting purposes, the appropriation to the
80 division and to the office of administration for the payment
81 of rent for quarters provided for the division shall be made
82 from the "Professional Registration Fees Fund", which is
83 hereby created, and is to be used solely for the purpose
84 defined in subsection 5 of this section. The fund shall
85 consist of moneys deposited into it from each board's fund.
86 Each board shall contribute a prorated amount necessary to
87 fund the division for services rendered and rent based upon
88 the system of accounting and budgeting established by the
89 director of the division as provided in subsection 5 of this
90 section. Transfers of funds to the professional
91 registration fees fund shall be made by each board on July
92 first of each year; provided, however, that the director of
93 the division may establish an alternative date or dates of
94 transfers at the request of any board. Such transfers shall
95 be made until they equal the prorated amount for services
96 rendered and rent by the division. The provisions of
97 section 33.080 to the contrary notwithstanding, money in
98 this fund shall not be transferred and placed to the credit
99 of general revenue.

100 7. The director of the division shall be responsible
101 for collecting and accounting for all moneys received by the
102 division or its component agencies. Any money received by a
103 board or commission shall be promptly given, identified by
104 type and source, to the director. The director shall keep a
105 record by board and state accounting system classification
106 of the amount of revenue the director receives. The
107 director shall promptly transmit all receipts to the
108 department of revenue for deposit in the state treasury to
109 the credit of the appropriate fund. The director shall
110 provide each board with all relevant financial information
111 in a timely fashion. Each board shall cooperate with the
112 director by providing necessary information.

113 8. All educational transcripts, test scores,
114 complaints, investigatory reports, and information
115 pertaining to any person who is an applicant or licensee of
116 any agency assigned to the division of professional
117 registration by statute or by the department are
118 confidential and may not be disclosed to the public or any
119 member of the public, except with the written consent of the
120 person whose records are involved. The agency which
121 possesses the records or information shall disclose the
122 records or information if the person whose records or
123 information is involved has consented to the disclosure.
124 Each agency is entitled to the attorney-client privilege and
125 work-product privilege to the same extent as any other
126 person. Provided, however, that any board may disclose
127 confidential information without the consent of the person
128 involved in the course of voluntary interstate exchange of
129 information, or in the course of any litigation concerning
130 that person, or pursuant to a lawful request, or to other
131 administrative or law enforcement agencies acting within the

132 scope of their statutory authority. Information regarding
133 identity, including names and addresses, registration, and
134 currency of the license of the persons possessing licenses
135 to engage in a professional occupation and the names and
136 addresses of applicants for such licenses is not
137 confidential information.

138 9. Any deliberations conducted and votes taken in
139 rendering a final decision after a hearing before an agency
140 assigned to the division shall be closed to the parties and
141 the public. Once a final decision is rendered, that
142 decision shall be made available to the parties and the
143 public.

144 10. A compelling governmental interest shall be deemed
145 to exist for the purposes of section 536.025 for licensure
146 fees to be reduced by emergency rule, if the projected fund
147 balance of any agency assigned to the division of
148 professional registration is reasonably expected to exceed
149 an amount that would require transfer from that fund to
150 general revenue.

151 11. (1) The following boards and commissions are
152 assigned by specific type transfers to the division of
153 professional registration: Missouri state board of
154 accountancy, chapter 326; board of cosmetology and barber
155 examiners, chapters 328 and 329; Missouri board for
156 architects, professional engineers, professional land
157 surveyors and landscape architects, chapter 327; Missouri
158 state board of chiropractic examiners, chapter 331; state
159 board of registration for the healing arts, chapter 334;
160 Missouri dental board, chapter 332; state board of embalmers
161 and funeral directors, chapter 333; state board of
162 optometry, chapter 336; Missouri state board of nursing,
163 chapter 335; board of pharmacy, chapter 338; state board of

164 podiatric medicine, chapter 330; Missouri real estate
165 appraisers commission, chapter 339; and Missouri veterinary
166 medical board, chapter 340. The governor shall appoint
167 members of these boards by and with the advice and consent
168 of the senate.

169 (2) The boards and commissions assigned to the
170 division shall exercise all their respective statutory
171 duties and powers, except those clerical and other staff
172 services involving collecting and accounting for moneys and
173 financial management relating to the issuance and renewal of
174 licenses, which services shall be provided by the division,
175 within the appropriation therefor. Nothing herein shall
176 prohibit employment of professional examining or testing
177 services from professional associations or others as
178 required by the boards or commissions on contract. Nothing
179 herein shall be construed to affect the power of a board or
180 commission to expend its funds as appropriated. However,
181 the division shall review the expense vouchers of each
182 board. The results of such review shall be submitted to the
183 board reviewed and to the house and senate appropriations
184 committees annually.

185 (3) Notwithstanding any other provisions of law, the
186 director of the division shall exercise only those
187 management functions of the boards and commissions
188 specifically provided in the Reorganization Act of 1974, and
189 those relating to the allocation and assignment of space,
190 personnel other than board personnel, and equipment.

191 (4) "Board personnel", as used in this section or
192 chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334,
193 335, 336, 337, 338, 339, 340, and 345, shall mean personnel
194 whose functions and responsibilities are in areas not
195 related to the clerical duties involving the issuance and

196 renewal of licenses, to the collecting and accounting for
197 moneys, or to financial management relating to issuance and
198 renewal of licenses; specifically included are executive
199 secretaries (or comparable positions), consultants,
200 inspectors, investigators, counsel, and secretarial support
201 staff for these positions; and such other positions as are
202 established and authorized by statute for a particular board
203 or commission. Boards and commissions may employ legal
204 counsel, if authorized by law, and temporary personnel if
205 the board is unable to meet its responsibilities with the
206 employees authorized above. Any board or commission which
207 hires temporary employees shall annually provide the
208 division director and the appropriation committees of the
209 general assembly with a complete list of all persons
210 employed in the previous year, the length of their
211 employment, the amount of their remuneration, and a
212 description of their responsibilities.

213 (5) Board personnel for each board or commission shall
214 be employed by and serve at the pleasure of the board or
215 commission, shall be supervised as the board or commission
216 designates, and shall have their duties and compensation
217 prescribed by the board or commission, within appropriations
218 for that purpose, except that compensation for board
219 personnel shall not exceed that established for comparable
220 positions as determined by the board or commission pursuant
221 to the job and pay plan of the department of commerce and
222 insurance. Nothing herein shall be construed to permit
223 salaries for any board personnel to be lowered except by
224 board action.

225 12. All the powers, duties, and functions of the
226 division of athletics, chapter 317, and others, are assigned

227 by type I transfer to the division of professional
228 registration.

229 13. Wherever the laws, rules, or regulations of this
230 state make reference to the division of professional
231 registration of the department of economic development, such
232 references shall be deemed to refer to the division of
233 professional registration.

234 14. (1) The state board of nursing, board of
235 pharmacy, Missouri dental board, state committee of
236 psychologists, state board of chiropractic examiners, state
237 board of optometry, Missouri board of occupational therapy,
238 or state board of registration for the healing arts may
239 individually or collectively enter into a contractual
240 agreement with the department of health and senior services,
241 a public institution of higher education, or a nonprofit
242 entity for the purpose of collecting and analyzing workforce
243 data from its licensees, registrants, or permit holders for
244 future workforce planning and to assess the accessibility
245 and availability of qualified health care services and
246 practitioners in Missouri. The boards shall work
247 collaboratively with other state governmental entities to
248 ensure coordination and avoid duplication of efforts.

249 (2) The boards may expend appropriated funds necessary
250 for operational expenses of the program formed under this
251 subsection. Each board is authorized to accept grants to
252 fund the collection or analysis authorized in this
253 subsection. Any such funds shall be deposited in the
254 respective board's fund.

255 (3) Data collection shall be controlled and approved
256 by the applicable state board conducting or requesting the
257 collection. Notwithstanding the provisions of sections
258 324.010 and 334.001, the boards may release identifying data

259 to the contractor to facilitate data analysis of the health
260 care workforce including, but not limited to, geographic,
261 demographic, and practice or professional characteristics of
262 licensees. The state board shall not request or be
263 authorized to collect income or other financial earnings
264 data.

265 (4) Data collected under this subsection shall be
266 deemed the property of the state board requesting the data.
267 Data shall be maintained by the state board in accordance
268 with chapter 610, provided that any information deemed
269 closed or confidential under subsection 8 of this section or
270 any other provision of state law shall not be disclosed
271 without consent of the applicable licensee or entity or as
272 otherwise authorized by law. Data shall only be released in
273 an aggregate form by geography, profession or professional
274 specialization, or population characteristic in a manner
275 that cannot be used to identify a specific individual or
276 entity. Data suppression standards shall be addressed and
277 established in the contractual agreement.

278 (5) Contractors shall maintain the security and
279 confidentiality of data received or collected under this
280 subsection and shall not use, disclose, or release any data
281 without approval of the applicable state board. The
282 contractual agreement between the applicable state board and
283 contractor shall establish a data release and research
284 review policy to include legal and institutional review
285 board, or agency-equivalent, approval.

286 (6) Each board may promulgate rules subject to the
287 provisions of this subsection and chapter 536 to effectuate
288 and implement the workforce data collection and analysis
289 authorized by this subsection. Any rule or portion of a
290 rule, as that term is defined in section 536.010, that is

291 created under the authority delegated in this section shall
292 become effective only if it complies with and is subject to
293 all of the provisions of chapter 536 and, if applicable,
294 section 536.028. This section and chapter 536 are
295 nonseverable and if any of the powers vested with the
296 general assembly under chapter 536 to review, to delay the
297 effective date, or to disapprove and annul a rule are
298 subsequently held unconstitutional, then the grant of
299 rulemaking authority and any rule proposed or adopted after
300 August 28, 2016, shall be invalid and void.

301 **15. The division shall maintain an easily accessible**
302 **webpage on the division's internet website containing the**
303 **division's rules, regulations, and procedures related to the**
304 **professional licensing of members of the Armed Forces of the**
305 **United States, including members of the National Guard or of**
306 **any reserve component of the Armed Forces of the United**
307 **States, honorably discharged veterans, and spouses of such**
308 **members of the Armed Forces of the United States or of**
309 **honorably discharged veterans.**

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