

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1078
93RD GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, May 5, 2006, with recommendation that the Senate Committee Substitute do pass.

3807S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 173, RSMo, by adding thereto two new sections relating to tuition.

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

Section A. Chapter 173, RSMo, is amended by adding thereto two new sections, to be known as sections 173.270 and 173.234, to read as follows:

173.270. 1. The coordinating board for higher education shall make provisions for institutions under the board's jurisdiction to award a tuition and fee waiver for undergraduate courses at state institutions of higher education for any student, beginning with incoming freshmen in the 2007 fall semester or term, who:

(1) Is a resident of this state;

(2) Has graduated within the previous three years from high school or passed the GED examination; and

(3) Has been in foster care or other residential care under the department of social services on or after:

(a) The day preceding the student's eighteenth birthday;

(b) The day of the student's fourteenth birthday, if the student was also eligible for adoption on or after that day; or

(c) The day the student graduated from high school or received a GED.

2. To be eligible for a waiver award, a student shall:

(1) Apply to and be accepted at the institution not later than:

(a) The third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school, or the date the student received a GED, whichever is

21 earliest; or

22 (b) The student's twenty-first birthday;

23 (2) Apply for other student financial assistance, other than
24 student loans, in compliance with federal financial aid rules, including
25 the federal Pell grant;

26 (3) Apply to the coordinating board for higher education for a
27 determination of eligibility. Application shall be on forms and in a
28 manner prescribed by rule of the coordinating board; and

29 (4) Complete a minimum of one hundred hours of community
30 service or public internship within a twelve-month period beginning
31 September first for each year in which the student is receiving a
32 tuition and fee waiver award pursuant to this section. The department
33 of higher education, in collaboration with participating state
34 institutions of higher education, shall by rule determine the community
35 service and public internships that students may participate in to meet
36 the requirements of this subdivision. A student may fulfill this
37 requirement by completing the necessary community service or public
38 internship hours during the summer.

39 3. The tuition and fee waiver provided by this section shall be
40 awarded on an annual basis and shall continue to be available, if the
41 student is otherwise eligible pursuant to this section, as long as the
42 student remains in good academic standing at the state institution of
43 higher education. The institution shall monitor compliance with
44 subdivision (4) of subsection 2 of this section and report it to the
45 department of higher education.

46 4. The waiver provided by this section for each eligible student
47 may be used for no more than four years of undergraduate study and
48 may only be used after other sources of financial aid that are dedicated
49 solely to tuition and fees are exhausted.

50 5. No student who is enrolled in an institution of higher
51 education as of the effective date of this section shall be eligible for a
52 waiver award under this section.

53 6. Any rule or portion of a rule, as that term is defined in section
54 536.010, RSMo, that is created under the authority delegated in this
55 section shall become effective only if it complies with and is subject to
56 all of the provisions of chapter 536, RSMo, and, if applicable, section
57 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable

58 and if any of the powers vested with the general assembly pursuant to
59 chapter 536, RSMo, to review, to delay the effective date, or to
60 disapprove and annul a rule are subsequently held unconstitutional,
61 then the grant of rulemaking authority and any rule proposed or
62 adopted after August 28, 2006, shall be invalid and void.

173.234. 1. As used in this section, unless the context clearly
2 requires otherwise, the following terms shall mean:

- 3 (1) "Board", the coordinating board for higher education;
- 4 (2) "Eligible student", the natural, adopted, or stepchild of a
5 qualifying military member, who is less than twenty-five years of age
6 and who was a dependent of a qualifying military member at the time
7 of death or injury, or the spouse of a qualifying member who is less
8 than forty-five years of age;
- 9 (3) "Grant", the military member survivor grant as established by
10 this section;
- 11 (4) "Qualifying institution", any approved Missouri public or
12 private institution of postsecondary education as defined in section
13 173.205;
- 14 (5) "Qualifying military member", any member of the military of
15 the United States, whether active duty, reserve, or national guard, who
16 served in the military after September 11, 2001, during a time of war
17 and for whom the following criteria apply:
 - 18 (a) The veteran was a Missouri resident when first entering the
19 military service and at the time of death; and
 - 20 (b) The veteran died as a result of combat action or the veteran's
21 death was certified by the Veterans Administration medical authority
22 to be attributable to an illness or accident that occurred while serving
23 in combat, or who became eighty percent disabled as a result of injuries
24 or accidents sustained in combat action after September 11, 2001, and
25 who was at the time of death or injury a citizen of the state of Missouri;
- 26 (6) "Tuition", any tuition or incidental fee or both charged by a
27 qualifying institution for attendance at the institution by an eligible
28 student. The tuition grant shall not exceed the amount of tuition
29 charged a Missouri resident at the University of Missouri-Columbia for
30 attendance.

31 2. Within the limits of the amounts appropriated therefor, the
32 coordinating board for higher education shall award annually up to

33 twenty-five grants to survivors of war veterans to attend institutions
34 of postsecondary education in this state, which shall continue to be
35 awarded annually to eligible recipients as long as certain standards of
36 academic performance, as determined by the coordinating board for
37 higher education, continue to be achieved. If the waiting list of eligible
38 survivors exceeds fifty, the coordinating board may request the general
39 assembly to increase the limitation on the number of grants authorized
40 under this section. If the limitation on the number of grants under this
41 section is not increased, the eligibility of survivors on the waiting list
42 shall be extended.

43 3. An eligible student may receive a grant under this section only
44 so long as the eligible student is enrolled in a program leading to a
45 certificate, or an associate or baccalaureate degree in a qualifying
46 institution. In no event shall the eligible student receive a grant
47 beyond the completion of the first baccalaureate degree. No eligible
48 student shall receive more than one hundred percent of tuition when
49 combined with similar funds made available to such eligible student.

50 4. The coordinating board for higher education shall:

51 (1) Promulgate all necessary rules for the implementation of this
52 section;

53 (2) Determine minimum standards of performance for a student
54 to remain eligible to receive a grant under this program;

55 (3) Make available on behalf of the eligible student an amount
56 toward the eligible student's tuition which is equal to the grant to
57 which the eligible student is entitled under the provisions of this
58 section;

59 (4) Provide the forms and determine the procedures necessary
60 for an eligible student to apply for and receive a grant under this
61 program.

62 5. An eligible student who is enrolled or has been accepted for
63 enrollment at a qualifying institution shall receive a tuition grant in an
64 amount not to exceed the actual tuition charged at the qualifying
65 institution where the eligible student is enrolled or accepted for
66 enrollment. In addition, such student shall receive an allowance of two
67 thousand dollars per semester for room and board, and an allowance
68 for the actual cost of books, up to five hundred dollars per semester.

69 6. An eligible student who is a recipient of a grant may transfer

70 from one qualifying institution to another without losing his or her
71 entitlement under this section. The board shall make necessary
72 adjustments in the amount of the grant. If a grant recipient at anytime
73 withdraws from a qualifying institution so that under the rules of such
74 institution the eligible student is entitled to a refund of any tuition,
75 fees, or other charges, the qualifying institution shall pay the portion
76 of the refund to which the student is entitled attributable to the grant
77 for that semester or similar grading period to the board.

78 7. If an eligible student is granted financial assistance under any
79 other student aid program, public or private, the full amount of such
80 aid shall be reported to the board by the qualifying institution and the
81 eligible student.

82 8. Nothing in this section shall be construed as a promise or
83 guarantee that a person will be admitted to a qualifying institution or
84 to a particular qualifying institution, will be allowed to continue to
85 attend a qualifying institution after having been admitted, or will be
86 graduated from a qualifying institution.

87 9. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

88 (1) The provisions of the new program authorized under this
89 section shall automatically sunset six years after the effective date of
90 this section, unless reauthorized by an act of the general assembly; and

91 (2) If such program is reauthorized, the program authorized
92 under this section shall automatically sunset twelve years after the
93 effective date of the reauthorization of this section; and

94 (3) This section shall terminate on September first of the
95 calendar year immediately following the calendar year in which the
96 program authorized under this section is sunset.

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