

FIRST REGULAR SESSION

# HOUSE BILL NO. 111

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CUNNINGHAM (145).

Pre-filed December 12, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0830L.011

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### AN ACT

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

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*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 173.234 and 173.271, to read as follows:

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

(1) "Board", the coordinating board for higher education;

(2) "Eligible student", the natural, adopted, or stepchild of a qualifying military member, who is less than twenty-five years of age and who was a dependent of a qualifying military member at the time of death or injury, or the spouse of a qualifying member who is less than forty-five years of age;

(3) "Grant", the military member survivor grant as established by this section;

(4) "Qualifying institution", any approved Missouri public or private institution of postsecondary education as defined in section 173.205;

(5) "Qualifying military member", any member of the military of the United States, whether active duty, reserve, or national guard, who served in the military after September 11, 2001, during a time of war and for whom the following criteria apply:

(a) The veteran was a Missouri resident when first entering the military service and at the time of death; and

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.

16 (b) The veteran died as a result of combat action or the veteran's death was  
17 certified by the Veterans Administration medical authority to be attributable to an illness  
18 or accident that occurred while serving in combat, or who became eighty percent disabled  
19 as a result of injuries or accidents sustained in combat action after September 11, 2001, and  
20 who was at the time of death or injury a citizen of the state of Missouri;

21 (6) "Tuition", any tuition or incidental fee or both charged by a qualifying  
22 institution for attendance at the institution by an eligible student. The tuition grant shall  
23 not exceed the amount of tuition charged a Missouri resident at the University of Missouri-  
24 Columbia for attendance.

25 2. Within the limits of the amounts appropriated therefor, the coordinating board  
26 for higher education shall award annually up to twenty-five grants to survivors of war  
27 veterans to attend institutions of postsecondary education in this state, which shall continue  
28 to be awarded annually to eligible recipients as long as certain standards of academic  
29 performance, as determined by the coordinating board for higher education, continue to  
30 be achieved. If the waiting list of eligible survivors exceeds fifty, the coordinating board  
31 may request the general assembly to increase the limitation on the number of grants  
32 authorized under this section. If the limitation on the number of grants under this section  
33 is not increased, the eligibility of survivors on the waiting list shall be extended.

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

40 4. The coordinating board for higher education shall:

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

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

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

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

49 5. An eligible student who is enrolled or has been accepted for enrollment at a  
50 qualifying institution shall receive a tuition grant in an amount not to exceed the actual  
51 tuition charged at the qualifying institution where the eligible student is enrolled or

52 accepted for enrollment. In addition, such student shall receive an allowance of two  
53 thousand dollars per semester for room and board, and an allowance for the actual cost  
54 of books, up to five hundred dollars per semester.

55 **6. An eligible student who is a recipient of a grant may transfer from one qualifying**  
56 **institution to another without losing his or her entitlement under this section. The board**  
57 **shall make necessary adjustments in the amount of the grant. If a grant recipient at**  
58 **anytime withdraws from a qualifying institution so that under the rules of such institution**  
59 **the eligible student is entitled to a refund of any tuition, fees, or other charges, the**  
60 **qualifying institution shall pay the portion of the refund to which the student is entitled**  
61 **attributable to the grant for that semester or similar grading period to the board.**

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

65 **8. Nothing in this section shall be construed as a promise or guarantee that a person**  
66 **will be admitted to a qualifying institution or to a particular qualifying institution, will be**  
67 **allowed to continue to attend a qualifying institution after having been admitted, or will**  
68 **be graduated from a qualifying institution.**

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

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

73 **(2) If such program is reauthorized, the program authorized under this section**  
74 **shall automatically sunset twelve years after the effective date of the reauthorization of this**  
75 **section; and**

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

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

5 **(1) Is a resident of this state;**

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

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

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

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

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

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

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

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

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

20           **(2) Apply for other student financial assistance, other than student loans, in**  
21 **compliance with federal financial aid rules, including the federal Pell grant;**

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

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

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

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

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

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

47 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
48 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
49 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
50 **adopted after August 28, 2007, shall be invalid and void.**

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