

FIRST REGULAR SESSION

# HOUSE BILL NO. 46

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BURNETT.

0043H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 173.1110 and 208.009, RSMo, and to enact in lieu thereof two new sections relating to higher education tuition.

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

Section A. Sections 173.1110 and 208.009, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 174.820 and 208.009, to read as follows:

**174.820. 1. Notwithstanding any other provision of law to the contrary, for the purposes of tuition, fees, and admission, the governing board of any Missouri higher education institution that receives any state funds shall deem an individual a Missouri resident, unless or until the individual establishes a residence outside of Missouri, if all of the following conditions are met:**

**(1) The individual graduated from a public or private high school or received the equivalent of a high school diploma in this state;**

**(2) The individual attended school in this state for at least two years as of the date the individual graduated from high school or received the equivalent of a high school diploma; and**

**(3) In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the higher education institution with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.**

**2. No Missouri higher education institution that receives any state funds shall deny admittance to a student based solely on his or her immigration status, provided the student has satisfied the requirements of this section.**

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.

18           **3. Any information collected under this section as part of a student's admission**  
19 **shall remain confidential.**

208.009. 1. No alien unlawfully present in the United States shall receive any state or  
2 local public benefit, except for state or local public benefits that may be offered under 8 U.S.C.  
3 1621(b). Nothing in this section shall be construed to prohibit the rendering of emergency  
4 medical care, prenatal care, services offering alternatives to abortion, emergency assistance, or  
5 legal assistance to any person.

6           2. As used in this section, "public benefit" means any grant, contract, or loan provided  
7 by an agency of state or local government; or any retirement, welfare, health, disability, housing,  
8 or food assistance benefit under which payments, assistance, credits, or reduced rates or fees are  
9 provided. The term "public benefit" shall not include postsecondary education public benefits  
10 [~~as defined in section 173.1110~~], any municipal permit, or contracts or agreements between  
11 public utility providers and their customers or unemployment benefits payable under chapter 288.  
12 The unemployment compensation program shall verify the lawful presence of an alien for the  
13 purpose of determining eligibility for benefits in accordance with its own procedures.

14           3. In addition to providing proof of other eligibility requirements, at the time of  
15 application for any state or local public benefit, an applicant who is eighteen years of age or older  
16 shall provide affirmative proof that the applicant is a citizen or a permanent resident of the  
17 United States or is lawfully present in the United States. Such affirmative proof shall include  
18 documentary evidence recognized by the department of revenue when processing an application  
19 for a driver's license, a Missouri driver's license, as well as any document issued by the federal  
20 government that confirms an alien's lawful presence in the United States. In processing  
21 applications for public benefits, an employee of an agency of state or local government shall not  
22 inquire about the legal status of a custodial parent or guardian applying for a public benefit on  
23 behalf of his or her dependent child who is a citizen or permanent resident of the United States.

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

32           5. An applicant who has provided the sworn affidavit required under subsection 4 of this  
33 section is eligible to receive temporary public benefits as follows:

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

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

40 6. An applicant who is an alien shall not receive any state or local public benefit unless  
 41 the alien's lawful presence in the United States is first verified by the federal government. State  
 42 and local agencies administering public benefits in this state shall cooperate with the United  
 43 States Department of Homeland Security in achieving verification of an alien's lawful presence  
 44 in the United States in furtherance of this section. The system utilized may include the  
 45 Systematic Alien Verification for Entitlements Program operated by the United States  
 46 Department of Homeland Security. After an applicant's lawful presence in the United States has  
 47 been verified through the Systematic Alien Verification for Entitlements Program, no additional  
 48 verification is required within the same agency of the state or local government.

49 7. The provisions of this section shall not be construed to require any nonprofit  
 50 organization duly registered with the Internal Revenue Service to enforce the provisions of this  
 51 section, nor does it prohibit such an organization from providing aid.

52 8. Any agency that administers public benefits shall provide assistance in obtaining  
 53 appropriate documentation to persons applying for public benefits who sign the affidavit required  
 54 by subsection 4 of this section stating they are eligible for such benefits but lack the documents  
 55 required under subsection 3 of this section.

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~~1 [173.1110. 1. No covered student unlawfully present in the United States  
 2 shall receive a postsecondary education public benefit. Educational institutions  
 3 awarding postsecondary education public benefits to covered students shall verify  
 4 that these students are United States citizens, permanent residents, or lawfully  
 5 present in the United States.~~

~~6 2. The following documents, in hard copy or electronic form, may be  
 7 used to document that a covered student is a United States citizen, permanent  
 8 resident, or is lawfully present in the United States:~~

~~9 (1) The Free Application for Student Aid Institutional Student  
 10 Information Record;~~

~~11 (2) A state-issued driver's license;~~

~~12 (3) A state-issued nondriver's identification card;~~

~~13 (4) Documentary evidence recognized by the department of revenue  
 14 when processing an application for a driver's license or nondriver's identification  
 15 card;~~

~~16 (5) A United States birth certificate;~~

17 ~~————— (6) A United States military identification card; or~~  
18 ~~————— (7) Any document issued by the federal government that confirms an~~  
19 ~~alien's lawful presence in the United States.~~  
20 ~~————— 3. All postsecondary higher education institutions shall annually certify~~  
21 ~~to the department of higher education that they have not knowingly awarded a~~  
22 ~~postsecondary education public benefit to a covered student who is unlawfully~~  
23 ~~present in the United States.~~  
24 ~~————— 4. As used in this section, the following terms shall mean:~~  
25 ~~————— (1) "Covered student", a student eighteen years of age or older, who has~~  
26 ~~graduated from high school and is attending classes on the campus of a~~  
27 ~~postsecondary educational institution during regularly scheduled academic~~  
28 ~~sessions;~~  
29 ~~————— (2) "Postsecondary education public benefit", institutional financial aid~~  
30 ~~awarded by public postsecondary educational institutions and state-administered~~  
31 ~~postsecondary grants and scholarships awarded by all postsecondary educational~~  
32 ~~institutions to covered students.]~~

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