

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 968

98TH GENERAL ASSEMBLY

2016

6003S.02T

AN ACT

To repeal sections 173.234 and 173.900, RSMo, and to enact in lieu thereof three new sections relating to tuition rates for members of the military, with an emergency clause for a certain section.

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

Section A. Sections 173.234 and 173.900, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 173.234, 173.900,
3 and 173.1153, to read as follows:

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

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

4 (2) "Books", any books required for any course for which tuition was paid
5 by a grant awarded under this section;

6 (3) "Eligible student", the natural, adopted, or stepchild of a qualifying
7 military member, who is less than twenty-five years of age and who was a
8 dependent of a qualifying military member at the time of death or injury **or**
9 **within five years subsequent to the injury**, or the spouse of a qualifying
10 military member which was the spouse of a veteran at the time of death or injury
11 **or within five years subsequent to the injury**;

12 (4) "Grant", the veteran's survivors grant as established in this section;

13 (5) "Institution of postsecondary education", any approved Missouri public
14 institution of postsecondary education, as defined in subdivision (3) of section
15 173.1102;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 (6) "Qualifying military member", any member of the military of the
17 United States, whether active duty, reserve, or National Guard, who served in the
18 military after September 11, 2001, during time of war and for whom the following
19 criteria apply:

20 (a) A veteran was a Missouri resident when first entering the military
21 service or at the time of death or injury;

22 (b) A veteran died or was injured as a result of combat action or a
23 veteran's death or injury was certified by the Department of Veterans' Affairs
24 medical authority to be attributable to an illness or accident that occurred while
25 serving in combat, or became eighty percent disabled as a result of injuries or
26 accidents sustained in combat action after September 11, 2001; and

27 (c) "Combat veteran", a Missouri resident who is discharged for active
28 duty service having served since September 11, 2001, and received a DD214 in
29 a geographic area entitled to receive combat pay tax exclusion exemption,
30 hazardous duty pay, or imminent danger pay, or hostile fire pay;

31 (7) "Survivor", an eligible student of a qualifying military member;

32 (8) "Tuition", any tuition or incidental fee, or both, charged by an
33 institution of postsecondary education for attendance at the institution by a
34 student as a resident of this state. The tuition grant shall not exceed the amount
35 of tuition charged a Missouri resident at the University of Missouri-Columbia for
36 attendance.

37 2. Within the limits of the amounts appropriated therefor, the
38 coordinating board for higher education shall award annually up to twenty-five
39 grants to survivors of qualifying military members to attend institutions of
40 postsecondary education in this state, which shall continue to be awarded
41 annually to eligible recipients as long as the recipient achieves and maintains a
42 cumulative grade point average of at least two and one-half on a four-point scale,
43 or its equivalent. If the waiting list of eligible survivors exceeds fifty, the
44 coordinating board may petition the general assembly to expand the quota. If the
45 quota is not expanded, then the eligibility of survivors on the waiting list shall
46 be extended.

47 3. A survivor may receive a grant under this section only so long as the
48 survivor is enrolled in a program leading to a certificate, or an associate or
49 baccalaureate degree. In no event shall a survivor receive a grant beyond the
50 completion of the first baccalaureate degree, regardless of age.

51 4. The coordinating board for higher education shall:

52 (1) Promulgate all necessary rules and regulations for the implementation
53 of this section; and

54 (2) Provide the forms and determine the procedures necessary for a
55 survivor to apply for and receive a grant under this section.

56 5. Any rule or portion of a rule, as that term is defined in section 536.010,
57 that is created under the authority delegated in this section shall become effective
58 only if it complies with and is subject to all of the provisions of chapter 536 and,
59 if applicable, section 536.028. This section and chapter 536 are nonseverable and
60 if any of the powers vested with the general assembly pursuant to chapter 536 to
61 review, to delay the effective date, or to disapprove and annul a rule are
62 subsequently held unconstitutional, then the grant of rulemaking authority and
63 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

64 6. In order to be eligible to receive a grant under this section, a survivor
65 shall be certified as eligible by the Missouri veterans' commission.

66 7. A survivor who is enrolled or has been accepted for enrollment as an
67 undergraduate postsecondary student at an approved institution of postsecondary
68 education, and who is selected to receive a grant under this section, shall receive
69 the following:

70 (1) An amount not to exceed the actual tuition charged at the approved
71 institution of postsecondary education where the survivor is enrolled or accepted
72 for enrollment;

73 (2) An allowance of up to two thousand dollars per semester for room and
74 board; and

75 (3) The actual cost of books, up to a maximum of five hundred dollars per
76 semester.

77 8. A survivor who is a recipient of a grant may transfer from one approved
78 public institution of postsecondary education to another without losing his or her
79 entitlement under this section. The board shall make necessary adjustments in
80 the amount of the grant. If a grant recipient at any time withdraws from the
81 institution of postsecondary education so that under the rules and regulations of
82 that institution he or she is entitled to a refund of any tuition, fees, room and
83 board, books, or other charges, the institution shall pay the portion of the refund
84 to which he or she is entitled attributable to the grant for that semester or
85 similar grading period to the board.

86 9. If a survivor is granted financial assistance under any other student
87 aid program, public or private, the full amount of such aid shall be reported to
88 the board by the institution and the eligible survivor.

89 10. Nothing in this section shall be construed as a promise or guarantee
90 that a person will be admitted to an institution of postsecondary education or to
91 a particular institution of postsecondary education, will be allowed to continue to
92 attend an institution of postsecondary education after having been admitted, or
93 will be graduated from an institution of postsecondary education.

94 11. The benefits conferred by this section shall be available to any
95 academically eligible student of a qualifying military member. Surviving children
96 who are eligible shall be permitted to apply for full benefits conferred by this
97 section until they reach twenty-five years of age.

98 12. Pursuant to section 23.253 of the Missouri sunset act:

99 (1) The provisions of the new program authorized under this section shall
100 **[sunset automatically six years after August 28, 2008] be reauthorized as of**
101 **the effective date of this act and shall expire on August 28, 2020**, unless
102 reauthorized by an act of the general assembly; and

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

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

 173.900. 1. This act shall be known and may be cited as the "Missouri
2 Returning Heroes' Education Act".

3 2. For the purpose of this section, the term "combat veteran" shall mean
4 a person who served in armed combat in the military after September 11, 2001,
5 and to whom the following criteria shall apply:

6 (1) The veteran was a Missouri resident when first entering the military;
7 and

8 (2) The veteran was discharged from military service under honorable
9 conditions.

10 3. All public institutions of higher education that receive any state funds
11 appropriated by the general assembly shall limit the amount of tuition such
12 institutions charge to combat veterans to fifty dollars per credit hour, as long as

13 the veteran achieves and maintains a cumulative grade point average of at least
14 two and one-half on a four-point scale, or its equivalent. The tuition limitation
15 shall only be applicable if the combat veteran is enrolled in a program leading to
16 a certificate, or an associate or baccalaureate degree. The period during which
17 a combat veteran is eligible for a tuition limitation under this section shall expire
18 at the end of the ten-year period beginning on the date of such veteran's last
19 discharge from service.

20 4. The coordinating board for higher education shall ensure that all
21 applicable institutions of higher education in this state comply with the
22 provisions of this section and may promulgate rules for the efficient
23 implementation of this section.

24 5. If a combat veteran is eligible to receive financial assistance under any
25 other federal or state student aid program, public or private, the full amount of
26 such aid shall be reported to the board by the institution and the veteran. The
27 tuition limitation under this section shall be provided ~~[after]~~ **before** all other
28 federal and state aid for which the veteran is eligible has been applied[, and no
29 combat veteran shall receive more than the actual cost of attendance when the
30 limitation is combined with other aid made available to such veteran].

31 6. Each institution may report to the board the amount of tuition waived
32 in the previous fiscal year under the provisions of this act. This information may
33 be included in each institution's request for appropriations to the board for the
34 following year. The board may include this information in its appropriations
35 recommendations to the governor and the general assembly. The general
36 assembly may reimburse institutions for the cost of the waiver for the previous
37 year as part of the operating budget. Nothing in this subsection shall be
38 construed to deny a combat veteran a tuition limitation if the general assembly
39 does not appropriate money for reimbursement to an institution.

40 7. Any rule or portion of a rule, as that term is defined in section 536.010,
41 that is created under the authority delegated in this section shall become effective
42 only if it complies with and is subject to all of the provisions of chapter 536 and,
43 if applicable, section 536.028. This section and chapter 536 are nonseverable and
44 if any of the powers vested with the general assembly pursuant to chapter 536 to
45 review, to delay the effective date, or to disapprove and annul a rule are
46 subsequently held unconstitutional, then the grant of rulemaking authority and
47 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

173.1153. 1. Notwithstanding any provision of law to the
2 contrary, any individual who is currently serving in the Missouri
3 National Guard or in a reserve component of the Armed Forces of the
4 United States shall be deemed to be domiciled in this state for purposes
5 of eligibility for in-state tuition at any approved public institution in
6 Missouri.

7 2. To be eligible for in-state tuition under this section, any such
8 individual shall demonstrate presence within the state of Missouri. For
9 purposes of attending a community college, an individual shall
10 demonstrate presence within the taxing district of the community
11 college he or she attends.

12 3. If any such individual is eligible to receive financial assistance
13 under any other federal or state student aid program, public or private,
14 the full amount of such aid shall be reported to the coordinating board
15 for higher education by the institution and the individual. The tuition
16 limitation under this section shall be provided after all other federal
17 and state aid for which the individual is eligible has been applied, and
18 no individual shall receive more than the actual cost of attendance
19 when the limitation is combined with other aid made available to such
20 individual.

21 4. The coordinating board for higher education shall promulgate
22 rules to implement this section.

23 5. For purposes of this section, "approved public institution"
24 shall have the same meaning as provided in subdivision (3) of section
25 173.1102.

26 6. Any rule or portion of a rule, as that term is defined in section
27 536.010, that is created under the authority delegated in this section
28 shall become effective only if it complies with and is subject to all of
29 the provisions of chapter 536 and, if applicable, section 536.028. This
30 section and chapter 536 are nonseverable, and if any of the powers
31 vested with the general assembly pursuant to chapter 536 to review, to
32 delay the effective date, or to disapprove and annul a rule are
33 subsequently held unconstitutional, then the grant of rulemaking
34 authority and any rule proposed or adopted after August 28, 2016, shall
35 be invalid and void.

Section B. Because of the importance of providing educational assistance

2 to members of the military and their families, the repeal and reenactment of
3 section 173.234 is deemed necessary for the immediate preservation of the public
4 health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, the repeal and reenactment of section
6 173.234 shall be in full force and effect upon its passage and approval.

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Unofficial

Bill

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