

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 437
93RD GENERAL ASSEMBLY

Reported from the Committee on Veterans March 2, 2005 with recommendation that House Committee Substitute for House Bill No. 437 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

1412L.03C

AN ACT

To repeal section 173.239, RSMo, and to enact in lieu thereof three new sections relating to Missouri military family relief.

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

Section A. Section 173.239, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 41.216, 143.822, and 173.239, to read as follows:

- 41.216. 1. Subject to appropriation, the adjutant general shall have the power to make grants from the Missouri military family relief fund to families of persons who are members of the Missouri national guard or Missouri residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001, terrorist attacks. The command sergeants major of the Missouri national guard, a command sergeants major of a reserve component or its equivalent, and a representative of the Missouri veterans commission shall establish eligibility criteria for the grants by the promulgation of rules and regulations.**
- 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently**

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.

15 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
16 adopted after August 28, 2005, shall be invalid and void.

143.822. 1. In each taxable year beginning on or after January 1, 2005, each
2 individual or corporation entitled to a tax refund in an amount sufficient to make a
3 designation under this section may designate that one dollar or any amount in excess of one
4 dollar on a single return, and two dollars or any amount in excess of two dollars on a
5 combined return, of the refund due be credited to the Missouri military family relief fund.
6 If any individual or corporation that is not entitled to a tax refund in an amount sufficient
7 to make a designation under this section wishes to make a contribution to the Missouri
8 military family relief fund, such individual or corporation may, by separate check, draft,
9 or other negotiable instrument, send in with the payment of taxes, or may send in
10 separately, that amount, clearly designated for the Missouri military family relief fund, the
11 individual or corporation wishes to contribute. The department of revenue shall deposit
12 such amount to the Missouri military family relief fund as provided in subsection 2 of this
13 section.

14 2. The director of revenue shall transfer at least monthly all contributions
15 designated by individuals under this section to the state treasurer for deposit to the
16 "Missouri Military Family Relief Fund", which is hereby created. The fund shall be
17 administered by a command sergeants major of the Missouri national guard, a command
18 sergeants major of a reserve component or its equivalent, and a representative of the
19 Missouri veterans commission.

20 3. The director of revenue shall transfer at least monthly all contributions
21 designated by the corporations under this section, less one percent of the amount in the
22 fund at the time of the transfer during fiscal year 2006, to be deposited in the state general
23 revenue fund, to the state treasurer for deposit to the Missouri military family relief fund.
24 The amount transferred under this subsection shall be for fiscal year 2006 only and shall
25 not exceed seventy thousand dollars.

26 4. A contribution designated under this section shall only be transferred and
27 deposited in the Missouri military family relief fund after all other claims against the
28 refund from which such contribution is to be made have been satisfied.

29 5. The state treasurer shall distribute moneys deposited in the Missouri military
30 family relief fund in accordance with the provisions of section 41.216, RSMo.

31 6. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
32 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
33 the general revenue fund.

34 7. The state treasurer shall invest moneys in the fund in the same manner as other

35 **funds are invested. Any interest and moneys earned on such investments shall be credited**
36 **to the fund.**

37 **8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

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

44 **(3) This section shall terminate on December thirty-first of the calendar year**
45 **immediately following the calendar year in which the program authorized under this**
46 **section is sunset.**

173.239. 1. Any member of the Missouri national guard who possesses the
2 qualifications set forth in this section may be awarded an educational assistance grant to an
3 approved public institution or an approved private institution, as those terms are defined in either
4 section 173.205 or section 173.778, of his or her choice while he or she is a member of the
5 Missouri national guard. Funding for educational assistance pursuant to this section may be
6 requested annually in the budget of the Missouri national guard. Educational assistance provided
7 pursuant to this section shall not exceed funds appropriated for that purpose.

8 2. Educational assistance provided under this section shall not exceed the least of the
9 following:

10 (1) The actual tuition, as defined in section 173.260, charged at an approved institution
11 where the individual is enrolled or accepted for enrollment; or

12 (2) The amount of tuition charged a Missouri resident at the University of Missouri for
13 attendance;

14 (3) The grants provided under this section may be prorated subject to appropriations in
15 an amount no less than fifty percent of the limits set forth in this section.

16 3. A member of the Missouri national guard seeking educational assistance pursuant to
17 this section shall provide a certificate of satisfactory service of his or her Missouri national guard
18 duties from his or her commanding officer and shall possess all other necessary entrance
19 requirements of the school of his or her choice and shall maintain a cumulative grade point
20 average (GPA) of at least two point five on a four point scale, or the equivalent on another scale
21 approved by the program administrator, while attending the approved public or private
22 institution.

23 4. If the grade point average of a member who is receiving educational assistance
24 pursuant to this section falls below two point five on a four point scale, or the equivalent on

25 another scale, such member shall retain the educational assistance and shall be placed on
26 probation under the educational assistance program. Failure to achieve a current grade point
27 average of at least two point five on a four point scale, or the equivalent on another scale for
28 future semesters or equivalent academic terms shall result in termination of the scholarship
29 effective as of the next academic term. The member shall be removed from probation status
30 upon achieving a cumulative grade point average of two point five on a four point scale or the
31 equivalent on another scale.

32 5. If a recipient of educational assistance pursuant to this section ceases to [be a member
33 of the Missouri national guard] **maintain their military affiliation** while enrolled in a course
34 of study or within three years after the completion of a course of study for any reason except
35 death [or], disability, **or medical disqualification** the educational assistance shall be terminated
36 and the recipient shall repay any amounts awarded pursuant to this section.

37 [6. State educational assistance on behalf of Missouri national guard members pursuant
38 to this section shall be used only after all available federal Department of Defense educational
39 assistance funds have been expended.

40 7.] **For the purposes of this section, individuals who are called to active duty will be**
41 **credited for time served in fulfillment of their three-year obligation.**

42 6. Applicants for educational assistance pursuant to this section shall meet the
43 qualifications established by section 173.215, except the provisions of subdivisions (2) and (4)
44 of subsection 1 of section 173.215, and shall be qualified, full-time or part-time students.

45 [8.] 7. The educational assistance program established pursuant to this section shall be
46 administered by the office of the adjutant general of the Missouri national guard. The Missouri
47 national guard shall establish guidelines for equitable distribution of educational assistance.