

FIRST REGULAR SESSION

HOUSE BILL NO. 421

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (14).

Read 1st time February 2, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1104L.011

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to the Missouri national guard family education grant.

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

Section A. Chapter 173, RSMo, is amended by adding thereto one new section, to be known as section 173.245, to read as follows:

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

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

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

(3) "Grant", the Missouri national guard and Missouri reservists family education grant as established in this section;

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

(5) "Tuition", any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at the institution by a student as a resident of this state.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall annually award grants to:

(1) Children of members of the Missouri national guard or Missouri reservists with the United States reserves, if the parent is deployed in support of the global war on

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.

17 terrorism and the child meets specific financial guidelines established by the board; and

18 (2) Spouses of members of the Missouri national guard or Missouri reservists with
19 the United States reserves, if the member or reservist was injured while deployed in
20 support of the global war on terrorism and the extent of the injury and its effect on the
21 member's or reservist's ability to return to his or her profession after discharge from the
22 national guard meets specific guidelines established by the board.

23 3. A child or spouse may receive a grant under this section only so long as the child
24 or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate
25 degree. In no event shall a child or spouse receive a grant beyond the completion of the
26 first baccalaureate degree, regardless of age. No child or spouse shall receive more than
27 one hundred percent of tuition and books when combined with similar funds made
28 available to such child or spouse.

29 4. The coordinating board for higher education shall:

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

32 (2) Determine minimum standards of performance in order for a child or spouse
33 to remain eligible to receive a grant under this program;

34 (3) Make available on behalf of a child or spouse an amount toward the child's or
35 spouse's tuition, room and board, and books which is equal to the grant to which the child
36 or spouse is entitled under the provisions of this section;

37 (4) Provide the forms and determine the procedures necessary for a child or spouse
38 to apply for and receive a grant under this program.

39 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
40 that is created under the authority delegated in this section shall become effective only if
41 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
42 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
43 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
44 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
45 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
46 adopted after August 28, 2005, shall be invalid and void.

47 6. In order to be eligible to receive a grant under this section, a child or spouse shall
48 be certified as eligible by a Missouri national guard officer or an appropriate designee of
49 the Missouri veterans commission.

50 7. A child or spouse who is enrolled or has been accepted for enrollment as an
51 undergraduate postsecondary student at an approved institution of postsecondary
52 education shall receive a grant in an amount not to exceed the actual tuition, as defined in

53 this section, an allowance of up to two thousand dollars per semester for room and board,
54 and the actual cost of books, as defined in this section, up to a maximum of five hundred
55 dollars per semester, charged at an approved institution of postsecondary education where
56 the child or spouse is enrolled or accepted for enrollment.

57 **8. A child or spouse who is a recipient of a grant may transfer from one approved**
58 **public institution of postsecondary education to another without losing his or her**
59 **entitlement under this section. The board shall make necessary adjustments in the amount**
60 **of the grant. If a grant recipient at any time withdraws from the institution of**
61 **postsecondary education so that under the rules and regulations of that institution he or**
62 **she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the**
63 **institution shall pay the portion of the refund to which he or she is entitled attributable to**
64 **the grant for that semester or similar grading period to the board.**

65 **9. If a child or spouse is granted financial assistance under any other student aid**
66 **program, public or private, the full amount of such aid shall be reported to the board by**
67 **the institution and the eligible child or spouse.**

68 **10. Nothing in this section shall be construed as a promise or guarantee that a**
69 **person will be admitted to an institution of postsecondary education or to a particular**
70 **institution of postsecondary education, will be allowed to continue to attend an institution**
71 **of postsecondary education after having been admitted, or will be graduated from an**
72 **institution of postsecondary education.**

73 **11. The benefits conferred by this section shall be available to any academically**
74 **qualified child or spouse of a member of the Missouri national guard or a Missouri**
75 **resident who is a member of the United States military reserves. Children who are eligible**
76 **shall be permitted to apply for full benefits conferred by this section until they reach**
77 **twenty-five years of age.**

78 **12. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

79 **(1) The provisions of the new program authorized under this section shall**
80 **automatically sunset 6 years after the effective date of this section unless reauthorized by**
81 **an act of the general assembly; and**

82 **(2) If such program is reauthorized, the program authorized under this section**
83 **shall automatically sunset 12 years after the effective date of the reauthorization of this**
84 **section; and**

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