

FIRST REGULAR SESSION

HOUSE BILL NO. 185

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (158).

Read 1st time January 10, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0783L.011

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to scholarship program for children of veterans killed in combat.

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
2 known as section 173.238, to read as follows:

173.238. 1. As used in this section, unless the context clearly requires otherwise, the
2 **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 by a**
5 **grant awarded pursuant to this section;**

6 **(3) "Grant", the war veteran's survivors grant as established in this section;**

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

9 **(5) "Survivor", a child of a war veteran as defined in this section;**

10 **(6) "Tuition", any tuition or incidental fee or both charged by an institution of**
11 **postsecondary education, as defined in this section, for attendance at the institution by a**
12 **student as a resident of this state;**

13 **(7) "War veteran", a person who served in the military during a time of war and**
14 **to whom the following criteria shall apply:**

15 **(a) The veteran was a Missouri resident when first entering the military service and**
16 **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.

17 (b) The veteran dies as a result of combat action or the veteran's death was
18 attributable to an illness that was or could have been contracted while serving in combat.

19 2. Within the limits of the amounts appropriated therefor, the coordinating board
20 for higher education shall award annually up to twenty-five grants to survivors of war
21 veterans to attend institutions of postsecondary education in this state. If the waiting list
22 of eligible survivors exceeds fifty, the coordinating board may petition the general assembly
23 to expand the quota. If the quota is not expanded the eligibility of survivors on the waiting
24 list shall be extended.

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

31 4. The coordinating board for higher education shall:

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

34 (2) Determine minimum standards of performance in order for a survivor to
35 remain eligible to receive a grant under this program;

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

39 (4) Provide the forms and determine the procedures necessary for a survivor to
40 apply for and receive a grant under this program.

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

49 6. In order to be eligible to receive a grant pursuant to this section, a survivor shall
50 be certified as eligible by a Missouri state veterans service officer. In the case of an illness-
51 related death, such certification shall be made upon qualified medical certification by a
52 Veterans Administration medical authority that the illness was or could have been

53 contracted while serving in combat and contributed to or was the cause of death of the
54 veteran, as defined in subsection 1 of this section.

55 7. A survivor who is enrolled or has been accepted for enrollment as an
56 undergraduate postsecondary student at an approved institution of postsecondary
57 education shall receive a grant in an amount not to exceed the actual tuition, as defined in
58 this section, an allowance of up to two thousand dollars per semester for room and board,
59 and the actual cost of books, as defined in this section, up to a maximum of five hundred
60 dollars per semester, charged at an approved institution of postsecondary education where
61 the survivor is enrolled or accepted for enrollment.

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

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

73 10. Nothing in this section shall be construed as a promise or guarantee that a
74 person will be admitted to an institution of postsecondary education or to a particular
75 institution of postsecondary education, will be allowed to continue to attend an institution
76 of postsecondary education after having been admitted, or will be graduated from an
77 institution of postsecondary education.

78 11. The benefits conferred by this section shall be available to any academically
79 qualified surviving children of war veterans as defined in subsection 1 of this section.
80 Surviving children who are eligible, shall be permitted to apply for full benefits conferred
81 by this section until they reach twenty-five years of age.

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

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

86 (2) If such program is reauthorized, the program authorized under this section
87 shall automatically sunset 12 years after the effective date of the reauthorization of this
88 section; and

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